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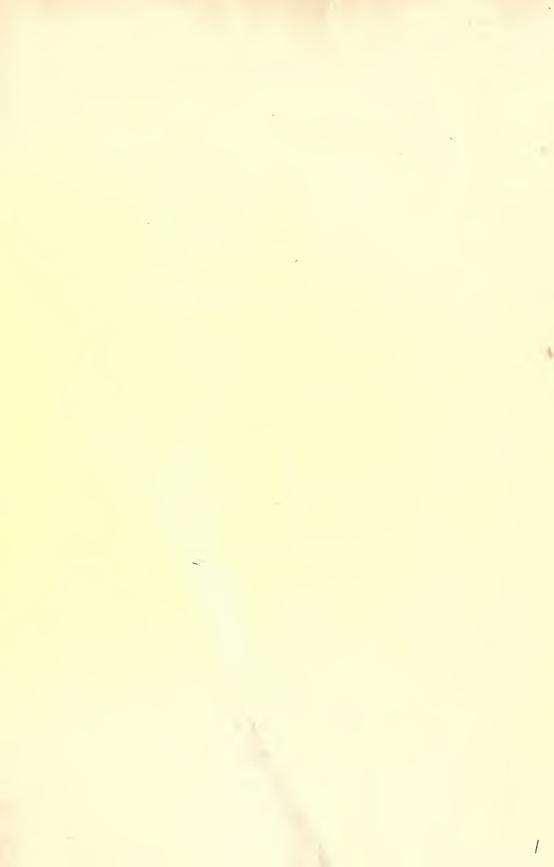
OF THE

Vistorical Society of Penusylvania.

CONTRIBUTIONS

TO

AMERICAN HISTORY.



Historical Society of Pennsyll

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CONTRIBUTIONS

TO

AMERICAN HISTORY.

1858.

PHILADELPHIA:
J. B. LIPPINCOTT & CO.,

FOR THE

HISTORICAL SOCIETY OF PENNSYLVANIA.

1858.

On the 13th of February, 1854, the Historical Society of Pennsylvania established a Publication Fund; by the terms of which any person, on the payment of twenty dollars, becomes entitled to receive a copy of all future publications of the Society during the term of his life. The money thus received is invested on a special trust, and the interest only is to be expended in publication. The fund already amounts to thirteen thousand five hundred dollars. The first volume published under this system was the History of Braddock's Expedition, which forms the fifth volume of the Memoirs of the Society. The one now presented has for its second title, Memoirs, Vol. VI.; and it is designed, at some future time, to reprint the four preceding volumes.

Entered, according to Act of Congress, in the year 1858, by THE HISTORICAL SOCIETY OF PENNSYLVANIA.

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[NO. VI.]

MEMOIRS

OF THE

HISTORICAL SOCIETY

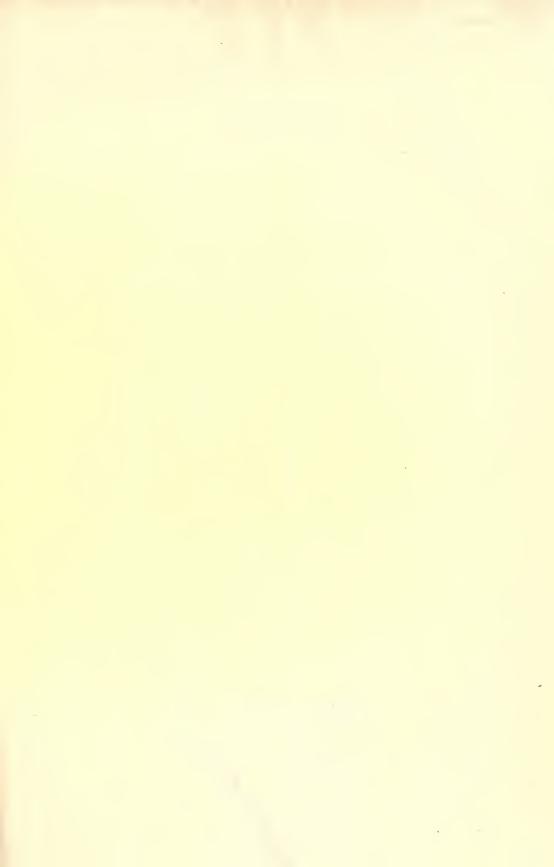
OF

PENNSYLVANIA.

VOL. VI.

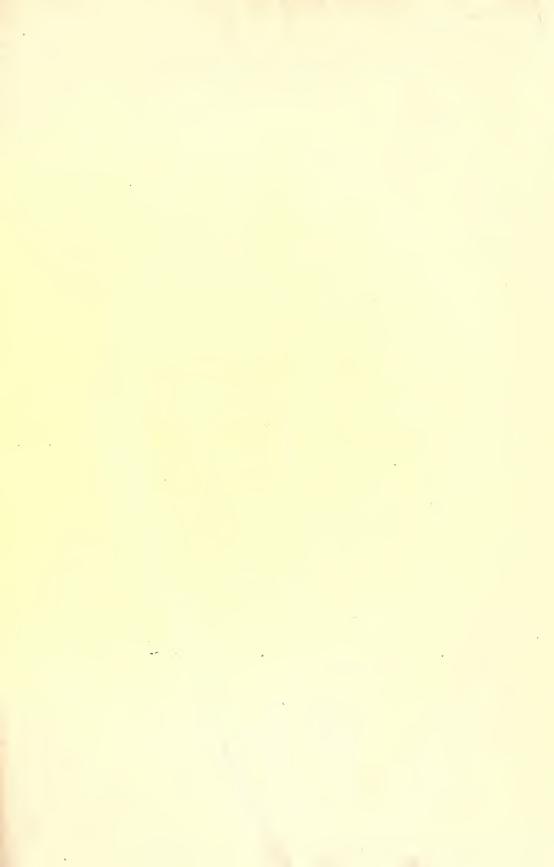
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 $\begin{array}{c} & \text{for the} \\ \text{HISTORICAL SOCIETY OF PENNSYLVANIA.} \\ & 1858. \end{array}$



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SOME ACCOUNT

o F

THE SOCIETY

o F

THE CINCINNATI.

BY ALEXANDER JOHNSTON.



The Society of the Cincinnati.

Mr. President and Gentlemen of the Historical Society of Pennsylvania:

When I accepted the flattering invitation to read a paper before this Society, I recollected that I had certain facilities of access to a new and original source of information, capable of throwing light upon a subject connected with our Revolutionary annals, which has hitherto met with a neglect on the part of historians that is easily accounted for—not because the matter itself is of secondary consideration, but because of the great poverty of material.

I am indebted to the Secretary-General of the Society of the Cincinnati for the liberty of referring to the archives of that institution.

I soon found myself embarrassed with the riches of a chest containing all the inedited correspondence and the other records that have been accumulated since the formation of the Society.

2

Here are the autographs of

PINCKNEY,	LINCOLN,
Moultrie,	St. Clair,
STEUBEN,	PUTNAM, and
MIFFLIN,	Paul Jones.
WAYNE,	
Lee,	
Destouches,	de Ségur,
Gouvion,	THE PRINCE DE
DU PLESSIS,	Condé, and
DE NOAILLES,	Louis XVI.
	MOULTRIE, STEUBEN, MIFFLIN, WAYNE, LEE, DESTOUCHES, GOUVION, DU PLESSIS,

These, with many others, the most distinguished names of the most distinguished era in our national history, gave importance to the documents over which I had control, and sufficiently impressed me with the dignity of my subject.

But, as this rare and interesting repository is shortly to pass into abler hands than mine, I dipped but sparingly into its contents; using it rather to modify or embellish what I could derive from other sources, than to anticipate by any feeble effort of my own the pleasant task of a more extended compilation. Still, I adhered to my original design; and, in the paper which I will have the honour to read before you this evening, I propose to give SOME ACCOUNT OF THE SOCIETY OF THE CINCINNATI.

The close of the Revolutionary War was a critical period in the history of the infant Republic. After hostilities had ceased, but while Sir Guy Carleton still held the city of New York, and before the terms of a definite treaty of peace had been duly settled, the American forces lay encamped at Newburgh, on the banks of the Hudson.

No longer occupied by dangers from without, their thoughts naturally turned to the change that would be effected in their condition at the disbandment of the army. The din of battle was hushed, the clouds of smoke which had enveloped the field were risen; and they saw before them, dimly enough, an uncertain prospect, which the spirit of mutiny threatened to invest with all its former darkness.

Eight years had elapsed since the first blood was spilled at Lexington. The ploughshares and pruning-hooks which were then beaten into deadlier weapons, had since become well-tempered steel, and were not so easily to be beaten again into ploughshares and pruning-hooks.

The soldiers, drafted as they were from every condition in life, had lost in that interval some their tastes for the arts of peace, and others their skill in cultivating them—the craftsman his cunning, the lawyer his learning, the man of letters his fondness for books. Both officers and men easily foresaw the embarrassments that awaited their retirement from the field. They knew that with their arms they would put off much of the military prestige that sustained them during the conflict, and, thrown upon their own meagre resources, their dependence must be slight in the extreme. The arrearages of pay already amounted to a heavy debt, for which no adequate provision had been made. In this extremity, they looked to the Congress then assembled in Philadelphia. But here they were met by a temporizing policy, com-

plaints of an exhausted exchequer, and the claims of the toga once more to assert its ascendency—an opposition chiefly due to the influence exerted outside of the Hall, by such as had idly awaited the issue of the war, but who were now, of a sudden, become clamorously patriotic.

These watchful guardians of the commonweal, with an alacrity they never exhibited in the hour of real peril, flew to their pens, and became "Cassius" and "Civis," "Vox Populi" and "Publicola," in the journals and pamphlets of the day. They looked with a jealous eye upon the proposal to found a retired list, or anything in the nature of a pension to smooth the declining years, or to support the impoverished families, of those who had left their homes in the hour of need, to lay down their lives for their country. They affected to see in this simple act of justice something fatal to the spirit of equality, and declared that half-pay for life was but the first step towards the introduction of a privileged class of stipendiaries upon the common purse.

Nevertheless, a bill to that effect was actually passed; but, backed as it was by neither coin nor credit, to give it due significance, a proposal to commute the half-pay for life to five years' full-pay, was generally acceded to; and certificates indefinitely promissory were issued on the faith of the Congress. These tickets of commutation were freely parted with by the needy beneficiaries of so slender a bounty, to the more provident civilians, at the ruinous depreciation of six shillings in the pound.

Whilst these things were agitating the calmer councils of a deliberative body, the turbulence in the camp had

reached a formidable pitch, and the murmurs of the disaffected soon claimed the serious attention of the Commander-in-Chief. The desperate alternative was even proposed of relinquishing the service in a body if the war continued, or, in case of peace, still to retain their arms, in defiance of the civil authority. A military dictatorship was held preferable to a condition of things where sufferings and privations such as they had just undergone could be slightingly passed over by an ungrateful republic. The signs of disaffection spread beyond the limits of the camp: wherever a soldier was to be found, the rebellious spirit was extant. Soon after, at Philadelphia, a band of military insurgents menaced the hall of legislation itself, and the representatives of the people were obliged to seek refuge in Princeton from the dangers of an assault.

It was then that Washington exhibited that exquisite tact that has more than once saved his country; when, without compromising his dignity, he could pay a proper deference to either extreme of party, and, by marshaling together the allied forces of mutual concession, courtesy, and kindness, put to rout the spirits of discord, with a skill far beyond the most brilliant exploits of strategy. His moderate counsels soon calmed the general agitation; and everywhere order and discipline were once more restored, within the sphere of that august presence.

Meanwhile, certain of his companions in arms, fully impressed with the danger of the doctrines that had been broached in their midst, determined to mark their disapprobation by some signal device; and happily hit upon an

expedient that met with the cordial approval of their illustrious chief.

The human mind is so constituted as naturally to seek in signs and symbols those impressions which a simple abstract idea is incapable of fully imparting. The very term *impression* is co-relative to something palpably obtrusive; and to overlook this principle argues a weakness of philosophy which, as well in religion as in politics, must eventually yield to the natural cravings of the common mind. It is all very true, and no one will deny the proposition, that it is the part of a good citizen, in time of peace, to lay down the arms he has assumed in time of But let some outward sign — a statue, a picture, a medal—indicate the profound veneration in which the virtues of a good citizen are held, who, in his own conduct, exemplified this truth at an earlier period of the world's history; and the precept thus strikingly set off by the historical precedent, will arrest the attention of every observer.

Such were the sentiments that animated the hearts of some of the most gallant officers of the American army, on the 10th of May, 1783; when they met together on the borders of the Hudson, and, converting the name of the Roman dictator into a Latin plural, called themselves "The Society of the Cincinnati."

Noble and patriotic as the motives were that led to this combination in the first instance, other and equally generous feelings conspired to give additional respect to the undertaking.

Comrades in arms who had fought side by side in the

bloody fields of the Revolution, were about to be separated—the closest intimacies were to be severed—and they longed for some link that would still unite them together at periodical intervals, when they could revive around the social board the scenes of their past privations and repeated triumphs. They set aside for their annual festivity the day on which the Declaration of Independence was signed—since become the national anniversary.

Besides this, the society was to be eleemosynary — each officer contributing one month's pay toward the creation of a fund for the support of indigent widows and orphans of deceased members.

Another and most important object was to confer appropriate honours upon their noble allies, the officers of the French army and navy, who had so materially assisted them in the late struggle.

The plan had been previously communicated to the several regiments, who appointed an officer from each; and these, in conjunction with the general officers, formed the preliminary meeting.

Baron de Steuben, Major-General, and the senior officer present, was called to the chair. The proposals were then read and adopted—and Major-General Knox, Brigadier-Generals Hand and Huntington, and Captain Shaw, were chosen a committee to revise the same, and to report at the next meeting.

Agreeably to adjournment, the representatives of the army met together three days after, at the quarters of Baron de Steuben, and then and there the institution of the order was duly accepted

The three fundamental articles upon which it is based, are these:

An incessant attention to preserve inviolate those exalted rights and liberties of human nature, for which they had fought and bled, and, without which, the high rank of a rational being is a curse instead of a blessing.

An unalterable determination to promote and cherish between the respective States, that union and national honour, so essentially necessary to their happiness and the future dignity of the American Empire.

To render permanent the cordial affection subsisting among the officers.

All the officers of the American army, as well as those who had resigned with honour, after three years' service in the capacity of officers, or who had been deranged by the resolutions of Congress, upon the several reforms of the army, as well as those who should have continued to the end of the war, had the right to become parties to the institution, provided they subscribed one month's pay, and signed their names to the general rules.

The General Society, for the sake of frequent communications, was divided into State Societies.

The President General was directed to transmit as soon as might be, to each of the personages hereafter named, a medal containing the Order of the Society, viz:

His Excellency, the CHEVALIER DE LA LUZERNE, Minister Plenipotentiary.

His Excellency, the Sieur Gerard, late Minister Plenipotentiary.

Their Excellencies,

The Count D'Estaing,

The COUNT DE GRASSE,

The Count DE BARRAS,

The CHEVALIER DE TOUCHES,

Admirals and Commanders in the Navy.

His Excellency, the COUNT DE ROCHAMBEAU, Commanderin-Chief of the French forces.

And the Generals and Colonels of his army, and acquaint them, that the Society did themselves the honour to consider them as members.

Generals Heath, Steuben, and Knox, were appointed a committee to wait on his Excellency, the Commander-in-Chief, with a copy of the institution, and request him to honour the society by placing his name at the head of it.

Major L'Enfant of the French engineers, who, like the unfortunate André, of the same rank in the British army, was an accomplished draughtsman, took charge of the decorations; under his supervision they were executed in Paris, and to his taste the Society is indebted for that graceful design.

It consists of a bald eagle of enamelled gold, bearing upon its breast a medallion charged as follows: on the obverse, the principal figure is Cincinnatus; three senators present him with a sword and other military ensigns; he is reclining upon his plough, and at his side are minor implements of husbandry. On the reverse, the sun rises over a city with open gates, vessels are seen entering the port, and in the midst, Fame crowns Cincinnatus with a wreath, inscribed, "Virtutis premium." Below, hands joined

support a heart, with the motto, "Esto perpetua." The whole is pendent to a blue ribbon edged with white, descriptive of the union between France and America. Around the principal charge is the legend, "Omnia relinquit servare rempublicam"—a piece of latinity of questionable elegance.

But it was the motto, "Esto perpetua," unexceptionable Latin, but dangerous doctrine, that raised an outery against this new feature in the State, which, at our day, seems perfectly incredible.

To perpetuate the memory of an eventful period—to raise the glow of generous emulation in the breast of posterity—to supply the broken links in an endless chain of good fellowship—it was decreed that the eagle should descend from father to son, according to the law of primogeniture, or, in failure of issue, to his collateral heirs in the due line of inheritance for ever.

Then it was that "Cassius" and "Civis," "Vox Populi" and "Publicola," once more flew to their pens. The half-pay had been obnoxious enough, but now the pack opened in full cry.

At that time, pamphlets were the favourite vehicles for conveying political squibs, and giving vent to all that ephemeral passion which now finds an outlet in popular harangues and the daily journals. Pamphleteering, indeed, had reached the dignity of a separate profession. The booksellers were flooded with transitory productions, that soon found their way to the trunk-makers, some of which, by their whimsical titles, still attract the attention of the curious in literature.

Ædanus Burke, an eccentrie Irishman, who held a seat on the supreme bench of South Carolina, had read the famous letters of Junius, and emulous of a similar distinction, headed the conspiracy; he called himself "Cassius," and wrote a violent tirade against the Society.

He proved conclusively to many apprehensions, by a specious train of argument, that the whole object of the institution was to undermine the Republic, to usurp the supreme power of the State, and to fix upon the succeeding generation an hereditary race of patricians, as powerful as any that prevail in the monarchies of Europe. The descendants of this military order of knighthood and their connections would form the nobility on one side, and the mass of the people on the other would be an insignificant rabble. He called upon posterity to mark his words. For, as he argued, the evil, countenanced as it was by so many powerful names, was past a remedy. The vile contrivance, fraught with destruction, had already been dragged to the citadel—and, like Cassandra or the high priest of Apollo, he only shrieked in despair his prophetic warning,

summâ decurrit ab arce Et procul, O Miseri! quæ tanta insania cives?

The pamphlet was ably written, and caused no little sensation. The legislatures of some of the States appointed committees to inquire into the grievance. In every instance the report was unfavourable. Rhode Island disfranchised such of its citizens as were members of the Society; and Massachusetts declared it to be "dangerous to the peace, liberty, and safety of the Union."

The consternation crossed the Atlantic. The celebrated

Mirabeau, prince of pamphleteers, then an exile in London, amidst dissertations on the opening of the Scheldt, on Stock Jobbing, Cagliostro and the diamond necklace, the Bank of St. Charles, and such like farrago, edited a French version of Burke's pamphlet, with copious annotations, in which he was assisted by his friend and faithful adherent, Nicholas Chamfort.

The future leader of the National Assembly, in memory of his extraction, recalls a scrap of Florentine history as a case in point. "It will not be contended," he says, "that the caprice or superstition of the rich and powerful men who gave birth to the orders of the Garter, the Golden Fleece, St. Andrew, and St. Patrick, was a cause so big with important consequences, as the favourable opportunity which the authors of the American Revolution have seized on, and the obvious designs that they manifest. No order of knighthood can bear comparison with theirs, but one, and that with disadvantage, the military order of St. Stephen, of Tuscany, instituted by the first great Duke Cosmo de Medicis, in commemoration of the battle of Marciano, in which the Republican party was utterly defeated. This, as is well known, was the last blow given to the Commonwealth of Florence, and the monument of its destruction."

But Mirabeau upon Burke was not half so learned a commentator as Time upon both of them. And we, of the present generation, who have read the works of this last great author, and edax verum, know more about the matter than all the wise-acres that have ever put pen to paper.

Meanwhile, as may be imagined, the friends of the Society were not idle. Burke's pamphlet met with a prompt reply. But the zeal of some of its advocates carried them beyond the bounds of discretion.

In a sermon preached before the Cincinnati at Philadelphia, they were addressed by the worshipful title of "the most worthy;" and at the annual meeting of the New York Society, a demonstration was made that was prompted by all the spirit of opposition.

On this occasion they determined to initiate the honorary members who had been newly elected, by the ceremony of a formal investiture. The assembly room at the City Tavern was the scene of the solemnity. The outside of the house was decorated with festoons and crowns of laurel—opposite the door of entrance, on a dais tapestried with blue cloth, was elevated a great chair of state covered with light blue satin, fringed with white; at the back of this, was a staff supported by two hands united holding up the cap of liberty, which was again grasped by the eagle of the Order, bearing on a white fillet the motto, "We will defend it." At each extremity of the room amphitheatres were erected for the spectators.

A deputation consisting of four members dressed in their uniforms, and wearing their eagles, first waited on the Governor of the State and the President of Congress with the congratulations of the Society on the anniversary of American Independence. After their return with the report, that they had been received with all the attention due to the dignity of their Order, the ceremony commenced.

The foreign members, and such as belonged to the other

societies, had already taken their seats on the left of the chair. The kettle-drums and trumpets, an important part of the performance, were stationed in the gallery over the door, and the amphitheatres were filled with spectators, when the standard-bearer, Captain Guyon, in full continental uniform, wearing his order, and escorted by four members, also in full dress, entered the hall, and took his position in front of the dais. He held in his hand the standard of the Society. It was wrought in silk, displaying the eagle upon thirteen alternate stripes of white and blue. escort returned; and, led by the Masters of Ceremony, the procession then entered the hall. First came the members, two and two, followed by the secretary, Captain Pemberton, carrying the original institution of the Society. came the treasurer, General Van Cortlandt, and his deputy, Major Platt, bearing two satin cushions, on the first of which were displayed the eagles, and on the second the diplomas for the elected members. These were followed by the Vice-President, General Schuyler, and the President, Major-General Baron de Steuben, who brought up the rear. At his entrance, the standard saluted, and the kettle-drums and trumpets gave a flourish, which continued until passing through the avenue now formed by the members opening to the right and left, he mounted the steps and took his seat upon the Chair of State.

When this was done, Colonel Hamilton, soldier, orator, and statesman, pronounced the inaugural address. After which the ceremony of investiture commenced.

The recipient was conducted by one of the Masters of Ceremony to the first step before the chair of the President,

and the standard-bearer approached. After expressing a desire to be received into the Society, and promising a strict observance of its rules and statutes, he grasped the standard with his left hand, while with his right he signed his name to the Institution. The President then took one of the eagles from the cushion held by the treasurer, and invested the recipient in the following words: "Receive this mark as a recompense for your merit, and in remembrance of our glorious independence." Next, handing him a diploma, he said, "This will show your title as a member of our Society. Imitate the illustrious hero, Lucius Quintius Cincinnatus, whom we have chosen for our patron: like him, be the defender of your country, and a good citizen." Another flourish of drums and trumpets completed the ceremony, and the new member was introduced to the Cincinnati at large, who rose in a body to salute him. This was succeeded by a brilliant festival, which, amidst salvos of artillery, terminated the day.

But it was in the gay capital of France—the land of forms and ceremonies, of rank and title, of martial enthusiasm, and decaying grandeur, that the Society acquired a distinction it never possessed on this side of the Atlantic.

The young Marquis de Lafayette — the Scipio Americanus, fresh from the scene of his glory, presented himself at the foot of the throne, and sought permission from his Sovereign to wear, along with his cross of the most ancient and honourable Order of St. Louis, the illustrious eagle of Cincinnatus. The only foreign Order suffered to be worn in the service of His Most Christian Majesty was that of the Golden Fleece; but, by a signal act of condescension,

the especial privilege was accorded to the French Cincinnati of appearing at court with the new decoration.

Lafayette, who lived with Washington upon terms of domesticity that savoured more of the relation between father and son than of ordinary friends, received from him as President-General the first account of the formation of the Society. The young enthusiast, then only twenty-six years of age, acknowledged the honour in language which does credit to the warmth of his feelings.

"When he thought that his letter would be read among representatives from all the lines of the army," he declared, "that his heart glowed with the most unbounded sentiments of affection and gratitude. How pleasing it was for him to recollect their common toils, dangers, turns of fortune, and that lively attachment which united them to each other under their beloved General. Never could his heart forget the return of affection he had particularly obtained, the number of obligations he was under to his dear brother officers, and the happy hours, the happiest in his life, which he had passed in their company."

Versailles at that time exhibited all the vivid, but flickering brilliancy that precedes extinction. It was the interval when, indeed, the age of chivalry was gone, but before that, of sophisters, calculators, and economists, had entirely succeeded, and while the "glory of Europe" still played in a parting halo about the throne of the Bourbon.

The officers who had returned from the New World, flushed with the recent triumph of the French arms, were flattered with the smiles of a gay and enthusiastic court. To bear about with them the distinguishing mark of their gallantry, whether it was at the ceremonials of the palace, in the smaller coteries of the Trianon, or in the salons of the capital, was the ambition of every one who had served in the war. The sum of 60,000 livres was voluntarily subscribed by the officers of the army, a similar amount was to be made up by the fleet, and all to be transmitted to the General Society in America. But these liberal offers, by a nice sense of delicacy, were respectfully de-Petitions and memorials poured in upon the General Society, on the part of claimants who had been overlooked in the distribution of the much-coveted honour. These were accompanied by all the necessary vouchers, affidavits before notaries public, recommendations by their superior officers, and the chief ministers of the crown, and, in one instance, a certificate in the sign-manual of the king himself.

One had been a prisoner in England; another had been recalled at an early stage of the war; one had been promoted for his gallantry at the siege of Savannah; another had served under Paul Jones in his glorious engagement with the Serapis. The Chevalier de Lameth pointed to his wounds received at Yorktown, and the eldest son of De Kalb claimed in right of his father.

Diplomas had been issued only to the generals and colonels of regiments and legions of the land forces, and to the admirals of the navy. But the captains of the navy declared that they ranked as colonels in the army, and asked in their turn for the mark of merit. On the representations of Rochambeau, D'Estaing, and Lafayette, their diplomas were despatched by an early packet. To

exhibit their gratitude, they caused to be made a brilliant decoration, after the model of the one already adopted, but richly set with diamonds, and surrounded by an emerald wreath of laurel. This was presented to the first President-General, in the name of the French naval marine; and, since the days of Washington, it has been regularly transmitted to each of his successors in office, and is now worn by the Hon. Hamilton Fish, of New York.

In fact, our allies looked upon the Society as created entirely for their own distinction, and such is the account that Rochambeau himself gives in his Memoirs. So to this day with Van Blaremberg's picture of the surrender of Yorktown, in the gallery of Versailles. The French general and his staff, with Lord Cornwallis, fill up the foreground of the picture, whilst the American army is lost in the vanishing lines of the perspective.

The badge of the Society, worn on public occasions, both in court pageantries and at the military reviews, soon became familiar to the eyes of the people; and, a few years afterwards, it was called to mind with an ominous significance.

It was on the day of the first popular outbreak, the memorable 12th of July, 1789, that Camille Desmoulins, breathless from Versailles with the news of Neckar's dismissal, mounted a table in the garden of the Palais Royal, and proposed that first of all considerations in French revolutions—a cockade. "What shall it be?" he exclaimed to the excited multitude around. "Shall it be green, the colour of hope? or shall it be blue, the colour

of the Cincinnati and of American independence?" Voices in the crowd called out, "Let it be green, the colour of hope!" and thus the ribbon of the Order was saved the disgrace of being affixed to the red cap of the sans culottes.

But green, the colour of hope, was found to be also the colour of the Count d'Artois' liveries; so it was forced to give way to red and blue, the colours of the arms of Paris. But these again were the colours of Orleans, not yet Égalité; and soon afterwards Lafayette himself, then in command of the National Guards, at the Hotel-de-Ville, introduced a conservative strip of the old national white; and thus the renowned tricolor became the flag of France.

But we must leave the *tricolor*, and return to the stars and stripes.

When the first effervescence was over, the opposition in America rapidly declined. The active energies of the country began to develop themselves; the popular sentiment took a new turn; and the Cincinnati were suffered to spend the Fourth of July after their own fashion. And, surely, nothing could be more attractive than these annual gatherings; nor could anything be so well calculated to foster the spirit of '76. With a proper regard to the principles of their Order (for the New York demonstration was an exception to the rule), they laid aside, on these festive occasions, the military blue coat, with its broad buff facings, but still retained the cocked-hat, kneebreeches, and small-sword. The crowning grace of the costume was the hair, carefully powdered, and brought down behind to a pig-tail, always an object of tender

solicitude. Here the veterans of the war met as boon companions, and fought their battles over again. The vacant sleeve of one, pinned up to his shoulder, told of the arm he had lost at Trenton or the Brandywine. Another had replaced with a wooden substitute the leg he had left on the bloody field of Monmouth. Scarce a soul of them but had some scar to remind him of the recent struggle. The talk was about Sumpter's brigade and Tarleton's legion; or of "Mad Anthony" at the head of Febiger's regiment, when they carried the garrison of Stony Point; or, perhaps, it was about the new constitution, or the prospect of a war with their ancient allies. The conviviality was loud and long, for they drank deep in those days. At a late period of the evening, a tankard of some generous liquor would be passed from mouth to mouth; and, as it made the orbit of the table, would describe upon its own axis a very large segment of a circle. It was the nation's birth-day! Sore had been the travail that brought forth the child of promise; and now, as the auspicious event cheered their hearts with hopes that fell far short of the destined reality, they made merry, and drank wassail to the young heir whose broad acres should stretch from the frozen regions of the North to the Tropic; from their eastern boundary to shores where the Orient becomes Occidental.

The badge was frequently worn on public occasions. In many of the portraits of Stuart, where the sitter was a member of the Society, it is yet to be seen, obtrusively pendent from the button-hole. The honourable principle was scrupulously observed: the only instance of degrada-

tion I have been able to discover, was that of a member from Rhode Island, who was divested of his ribbon for making a legal tender of the depreciated paper currency in payment of a debt.

Thus years rolled on. But the hilarity of each succeeding meeting was a little dashed by sad and sadder reflections, as the toasts to the departed increased in number. In some instances their places were supplied by their descendants, but in many more no one was left to claim the vacant honour.

Nothing worthy of special note appears on the records, until an event transpired which sent a thrill of delight through the whole nation, and called for the particular notice of the Society of the Cincinnati. In the summer of 1824, General Lafayette revisited the shores of America. And who could more appropriately greet him than such as survived of his brothers in arms? The Cincinnati of New York selected his birth-day for congratulating him at an entertainment that surpassed all their previous festivals, both in interest and magnificence. Who shall describe the emotions of their illustrious guest as he was ushered into the great saloon of the Washington Hall, on this memorable occasion! Since the war of independence he had been whirled in all the vortex of a terrible revolution -at one time the idol, and at another the execration of the mob. By a natural train of association, what contrasts must have crowded his mind! His suppers at Madame Du Barri's when a young mousquetaire at the profligate court of Louis XV., and his slender rations at Valley Forge. The grand fête of the Champ-de-Mars, when he led the militia of France, and his crust in the dungeons of Olmutz. He sat beneath a canopy of oak and laurel; and when the triumphal wreath fell from the beak of the eagle suspended above his chair, his breast must have throbbed with the recollection of his past glories: when he was carried wounded from the field at the Brandywine; the battle of Monmouth; when, at the head of the American infantry, he stormed the redoubts at Yorktown; when, in the land of his birth, he stood between royalty and the rage of furious men and still more savage women, and, kissing the hand of the queen upon the balcony at Versailles, saved, for a brief space, the life of that unhappy princess.

On the removal of the cloth, and when the memory of the departed had been drunk in solemn silence, what shades must have passed before his mind's eye! Peerless and first, his early friend and almost father, "the Cincinnatus of the West," who died in the fulness of honours, and in the quiet retirement of his farm. His younger friend Hamilton, who shared with him the fortunes of war, but who had since met with an untimely death. The tall figure of the Count d'Estaing — a victim of the guillotine. Henry, who distinguished himself at Fort Mifflin, and died a Field-Marshal of France. His kinsman, the impetuous De Noailles, who was killed in a naval engagement with the English. Du Plessis, who was massacred at St. Domingo. The adventurous La Pérouse, whose fate was still a mystery. Custine, a proscrit of the Reign of Terror. De la Roche, who fell at Austerlitz. All members of the fraternity; and he

alone left to receive the outpourings of a nation's gratitude! His ears still rang with the *vivas* of the excited crowd who were besieging the Hall to catch but a glimpse of their heroic benefactor; his breast heaved with the proudest emotions—not the less that he bore upon it a badge that linked him with patriots living and dead; the precious meed of his devoted generosity. "So should desert in arms be crowned."

If this paper should be the means of correcting two errors that have crept into both history and biography, it will have served its purpose. One is, that Washington, at any time, looked with disfavour upon the Cincinnati. The other is, that the hereditary succession was ever abolished.

There was much in the character of Washington that, in our age, would be looked upon as eminently aristocratical. His dignified reserve — the graceful courtesy of his manners — the neatness of his toilet — his excessive punctilio. Important communications were returned unopened where his name appeared on the address shorn of its titles. He sealed his letters with the crest and bearings of the Washingtons of Northamptonshire, from whom he traced his descent. At times, he would unbend from his official dignity to any of the elegant amenities of social life. When the allied armies celebrated the birth of the Dauphin at West Point, he led down twenty couples on the green in a country dance.

We must almost look to fiction, and there combine to form the true ideal of the high-minded Virginia gentleman of that day, of which he was the type. The courtly polish

and noble carriage of Grandison grafted upon the stout and stalwart principles, the simplicity of heart and plain exterior of Sir Roger de Coverly, will suggest, in some striking features, a parallel. It is a school that is passed away, It was that period of our history, when an honourable diplomacy abroad, and plain-dealing at home, gave more lustre to the new Republic than even the triumph of her arms. It was the age of Washington and Adams, of Hamilton, of Jay, of Laurens, of Carroll, and Pinckney. Ah! let such of our deluded countrymen as reckon too cheaply their precious birthright, still patiently listen, if they will, to abuse in broken English, heaped upon the traditional policy of the government as enjoined by the "Father of his Country," from the lips of each scheming adventurer, as he feigns some mythical figment of his own, and calls it - Washington!

There was nothing in the tastes or habits of General Washington, that could make him look with displeasure upon an institution founded upon the three virtuous principles of patriotism, honour, and charity. And when he placed his name at the head of it, he expressed himself in terms of unqualified approbation.

The first general meeting, after the disbandment of the army, was held at the State House, Philadelphia, on the 4th of May, 1784. I give an extract from the minutes:

"General Washington having moved that a resolution of the Society, dated at the cantonment of the American army, June 19th, 1783, requesting the Commander-in-Chief to officiate as President-General until the next general meeting of the Society, might be read, and the same being

read accordingly, he laid the original institution of the Society on the table with the official letters which he had written and received in consequence thereof, and retired. General Knox, acting as Secretary-General by the same appointment, also requested leave to retire. Whereupon, the meeting went into a committee of the whole, and General Smallwood took the chair; and on motion it was resolved, that the election of officers of the General Society be for the present postponed. It was then unanimously resolved, that General Washington be requested to preside at this meeting until the whole business of the meeting be duly completed. Messrs. Williams, Dayton, Ramsey, and Turner, were appointed to wait on General Washington, and to inform him of the request of this meeting. General Washington accepted, and took the chair."

"Saturday, May 15th, 1784. Pursuant to the order of the day, proceeded to ballot for officers of the General Society to serve the ensuing term, when: — General Washington was unanimously chosen President, Major-General Gates, Vice-President, and Major-General Knox, Secretary.

In a letter to General Knox, written the following October, and dated at Rocky Hill, Washington says:—

"I am told subscriptions have been paid in by those who wish to have orders. I propose taking seven, for which the money is ready at any time. And it may not be amiss in this place to inform you, that it has always been my intention to present the Society with five hundred dollars."

On the second Monday of May, 1787, was called together at Philadelphia that convention to which we owe the Constitution of the United States—a triumph of wisdom, and the boast of every true American. It was called with direct reference in respect of time, to the previously appointed meeting of the Cincinnati, to be held on the first Monday of the same month, being the second general meeting of the Society. This was done to give Washington an opportunity of presiding over both sittings.

But he had already written a circular letter to the several State Societies, declining a re-election to the Presidency, giving solely as a reason, a wish to withdraw from all active life, and to devote himself exclusively to the affairs of his farm. He wrote to Mr. Madison, saying, "I declined the Presidency, and excused my attendance on the ground, which is firm and just, of the necessity of attending to my private concerns, and in conformity to my determination of spending the remainder of my days in a state of retirement."

His position was an extremely embarrassing one. The distracted state of the nation called for some great movement to unite the discordant elements. He was once again at a perilous juncture summoned to the aid of his country. But he had already given reasons for not attending the Cincinnati, which would be doubly applicable to the Convention. To use his own words, "it was a delicate, a perplexing subject." The course of a political time-server—the trimmer to all the varying gales of popular favour, whose policy is his best honesty, was a plain one—to rid his skirts of the annoying incumbrance, and to rise sublime over every petty consideration of honour and delicacy. So did not Washington. Divided between contending sentiments, he exhibited a degree of vacillation that was foreign

to his character. He was appealed to by every influence that could move the heart of a patriot, to be present at the Convention. He refused—he accepted—he refused again—and again he accepted.

On the 8th of March, he wrote to General Knox in these words: "I am indirectly and delicately pressed to attend this Convention. Several reasons are opposed to it in my mind, and, not the least, having declined attending the general meeting of the Cincinnati which is to be held in Philadelphia at the same time, on account of the disrespect it might seem to offer to that Society, were I to attend on another occasion."

On the 28th of the same month, he wrote to Governor Randolph as follows: "If I am able, and should go to Philadelphia, I would set off for that place the 1st or 2d of May, that I might be there to account personally for my conduct to the general meeting of the Cincinnati, which is to convene the first Monday of that month. My feelings would be much hurt if that body should, otherwise, ascribe my attending the one and not the other to a disrespectful inattention to the Society — when the fact is, that I shall ever retain the most lively and affectionate regard for the members of it — on account of their attachment to me, and uniform support upon many trying occasions — as well as on account of their public virtues, patriotism, and sufferings."

On the 27th of April he had again abandoned all intention of going to Philadelphia, as appears by a letter to the Secretary-General of the Society, and, perhaps, language could not express a greater anxiety not to give

offence. You shall have his own words. It is dated at Mount Vernon:

"MY DEAR SIR,

"After every consideration my judgment was able to give the subject, I had determined to yield to the wishes of many of my friends, who seemed extremely anxious for my attending the Convention which is proposed to be holden in Philadelphia, the second Monday of May. And tho'so much afflicted with a rheumatic complaint, (of which I have not been entirely free for six months,) as to be under the necessity of carrying my arm in a sling for the last ten days, I had fixed on Monday next for my departure, and had made every necessary arrangement for the purpose, when, (within this hour) I am summoned by an express, who assures me not a moment is to be lost to see a mother and only sister (who are supposed to be in the agonies of death) expire; and I am hastening to obey this melancholy call, after having just bid an eternal farewell to a much loved brother, who was the intimate companion of my youth, and the most affectionate friend of my ripened age.

"This journey (of more than one hundred miles), in the disordered state of my body, will, I am persuaded, unfit me for the intended trip to Philadelphia, and assuredly prevent me from offering that tribute of respect to my compatriots in arms, which results from affection and gratitude for their attachment to, and support of me, upon so many trying occasions.

"For this purpose it was, as I had, tho' with a good deal of reluctance, consented (from a conviction that our affairs were verging fast to ruin, to depart from the resolution I had taken, of never more stepping out of the walks of private life,) to serve in this Convention, that I determined to show my respect to the general meeting of the Society, by coming to Philadelphia during its sitting. As the latter is prevented, and the highest probability is, the other will not take place, I send such papers as have, from time to time, come to my hands, and may require inspection, and the consideration of the Cincinnati, to your care."

The whole of the preceding paragraph, as you will observe, is somewhat involved. Interlineations and erasures, made both with the knife and the pen, clearly show the perplexity of the writer. He concludes in these words:

"I make a tender of my affectionate regards to the members who may constitute the General Meeting of the Society, and with sentiments of the highest esteem,

"I am, my dear Sir,

"Your obdt. humble servant,

"To Maj.-Gen. Knox.

Go. Washington."

Finally, on the 13th of May, the day before the assembling of the Convention, General Washington arrived in Philadelphia. The Cincinnati was still in session. It had adjourned from the State-House to Carpenter's Hall, in order to give way to the larger and more important body. Here he found himself once more surrounded by his former companions of the field. Four years had elapsed since he had pledged them an eternal remembrance, in that most touching and trying scene, his affec-

tionate farewell. The old feeling revived. He shook hands with General Knox. He exchanged friendly greetings with Hamilton, Varnum, Jackson, Humphreys, Carrington, Mifflin, and Boudinot.

"Will you be our next President?" was put to him on every side.

"I will!" said Washington; and, on the 18th of the same month, he was unanimously re-elected President-General of the Society of the Cincinnati — a position that he held until the day of his death.

In 1788 (five years after the formation of the Society) he wrote to Mr. Barton in this wise—a letter which, if written in our country at the present day, by any public man, would be fatal to his prospects:

"It is far from my design," he says, "to intimate an opinion that heraldry, coat armour, etc., might not be rendered conducive to public and private uses with us, or that they can have any tendency unfriendly to the purest spirit of republicanism. * * * *

"While the minds of a certain portion of the community (probably from turbulent or sinister views) are or affect to be haunted with the very spectre of innovation; while they are indefatigably striving to make the credulity of the less-informed part of the citizens subservient to their schemes, in believing that the proposed General Government is pregnant with the seeds of discrimination, oligarchy, and despotism; while they are clamorously endeavouring to propagate an idea that those whom they wish invidiously to designate by the name of the 'well-

born,' are meditating to distinguish themselves from their compatriots, and to wrest the dearest privileges from the bulk of the people, [I think it impolitic to agitate any subject that may tend to promote these feelings.] * * *

"I make these observations with the greater freedom, because I have once been a witness to what I conceived to have been a most unreasonable prejudice against an innocent institution—I mean the Society of the Cincinnati. I was conscious that my own proceedings on the subject were immaculate. I was also convinced that the members, actuated by motives of sensibility, charity, and patriotism, were doing a laudable thing in erecting that memorial of their common services, sufferings, and friendships."

Six months after the date of this letter, General Washington was unanimously elected first President of what might then be called for the first time the *United* States.

On this occasion a committee was appointed, in the name of the Society, to present a congratulatory address. This is his reply:

"Although it is easier for you to conceive than for me to explain the pleasing sensations which have been excited in my breast by your congratulations on my appointment to the head of this rising Republic, yet I must take the liberty to thank you sincerely for the polite manner in which you felicitate our countrymen, and testify your regard to me, on this occasion. * * * *

"The candour of your fellow-citizens acknowledges the patriotism of your conduct in peace, as their gratitude has declared their obligations for your fortitude and perseverance in war. A knowledge that they now do justice to the purity of your intentions, ought to be your highest consolation, as the fact is demonstrative of your greatest glory. * * * *

"Whatever titles my military services may have given me to the regard of my country, they are principally conducted by the firm support of my brave and faithful associates in the field. And if any consideration is to be attributed to the successful exercise of my civil duties, it proceeds in a great measure from the wisdom of the laws, and the facility which the disposition of my fellow-citizens has given to their administration.

"To the most affectionate wishes for your temporal happiness, I add a fervent prayer for your eternal felicity.

"Go. Washington."

Even amidst the cares and responsibilities of an office new to himself and the world at large, we find him at times occupied with the concerns of the Cincinnati. I will read you a curious letter communicated by Washington from the *ci-devant* Viscount de Noailles, then a member of the National Assembly, and a violent Jacobin. It will show the estimation in which the Society was held in France, at the time of the Revolution. The English, as you will perceive, is his own. It is dated Paris, April 24th, 1790.

"DEAR GENERAL: — I have, though remote, incessantly borne you that share of admiration you have filled every

Frenchman's breast with who has marched under your colours. It is not only now with a spirit replete with freedom that I durst address you, but partaking of all the rights nature has reserved to mankind and America has reaped the first benefits of. In the French Revolution, which portends the greatest blessings, almost all those who have beheld the foundation of liberty in the United Provinces, have brought from thence of American spirit, and have displayed it with undaunted courage, as they have had a hand in preparing the Revolution, so are they doomed in firmly supporting its establishment. Such a brotherhood has been of the utmost help, and will be our greatest prop. It is in your power to contribute to its indissolubility by a deed both equitable and useful. The national dignities are the only badges we set a value on, and are willing to preserve. The Cross of St. Louis, the sign of military service, is going to be conferred throughout all the ranks of the army. Condescend in granting the same favour on all the officers who have been under your orders, and who have contributed as well as we to the salvation of the commonwealth. Condescend to obtain for them the right of bearing the Order of Cincinnatus. We shall hold the dearer when we behold our brethren dignified with it. Fill up their vow and our own. It is in the name of the small army you had some esteem for I durst petition the favour. It is granting us a second reward, of having our fellow at arms honoured as well as we with a benefaction that evinces that liberty has been laboured for. Such a bounty were less pleasing, and were perhaps impossible in experiencing its influence, if

you were not so generous as to diffuse it over all those who are entitled to it.

"The deliberation to be held on this request is that the officers of the French army who were in America at the time M. de Rochambeau left the continent to repair to the Leeward Islands, as also those of the legion of Lauzun be indulged with the leave of bearing the Order of Cincinnatus, provided they give an unexceptionable testimony of their service, and obtain a certificate of their corps, revised and signed by General Rochambeau.

"Numbers of French officers have brought from the American war but scars. They will receive an healing remedy when they have an additional proof of their service.

"I have the honour to be with respect, dear General, your most humble and obedient servt.

"Noailles—a member of the National Assembly."

At the death of General Washington, which clouded the dawn of the 19th century, indications of grief were exhibited throughout the land—I may say throughout the civilized globe. But from no body of men did there flow a more genuine feeling of heart-felt affliction, than from his brothers of the Cincinnati. The returns of the several State Societies at this time are black with obituary notices—every honorary tribute of affection was paid to the memory of their late President. He was succeeded by Alexander Hamilton. After him came Charles Cotesworth Pinckney.

Thus much for the relations that subsisted between General Washington and the Society of the Cincinnati.

The hereditary succession was never abandoned. A recommendation to that effect was indeed made to the several State Societies, at the first General Meeting in Philadelphia, in the words of the circular letter: "To remove every cause of inquietude, to annihilate every source of jealousy, and to designate explicitly the ground on which they stood." But the proposition, unwillingly urged, was accepted in deprecatory terms by some, and by others it was totally rejected. Pennsylvania accepted; but, in an address to the General Society, expressed the opinion "that the ground of the Society had been too much narrowed, and that, without some further alterations, the Society itself must necessarily in the course of a few years, reach its final period." To overcome the difficulty, in this State they resort to the formality of an election. But the candidates are limited to the descendants of the first members, according to the terms of the original institution.

The New York Society resolved "that because the alterations contained no certain provision for the continuance of the Society beyond the lives of the present members, it would be inexpedient to adopt them." The more fully to express their views, a remonstrance was drawn up, whence I will read you a passage, the eloquence of which betrays the hand of Hamilton, whose name is at the head of the committee appointed for that purpose:

"To men whose views are not unfriendly to those principles which form the basis of the Union, and the only sure foundation of the tranquillity and happiness of this country, it can never appear criminal, that a class of citizens

who have had so conspicuous an agency in the American Revolution as those who compose the Society of the Cincinnati, should pledge themselves to each other, in a voluntary association, to support, by all the means consistent with the laws, that noble Fabric of United Independence, which at so much hazard, and with so many sacrifices, they have contributed to erect; a Fabric on the solidity and duration of which the value of all they have done must depend! and America can never have cause to condemn an Institution calculated to give energy and extent to a sentiment favourable to the preservation of that union, by which she established her liberties, and to which she must owe her future peace, respectability, and prosperity. Experience, we doubt not, will teach her, that the members of the Cincinnati, always actuated by the same virtuous and generous motives which have hitherto directed their conduct, will pride themselves in being, thro' every vicissitude of her future fate, the steady and faithful supporters of her liberties, her laws, and her government."

New Hampshire and New Jersey indulged in this pleasant piece of sophistry:

"If medals only can create an order of nobility, Congress has already ennobled many of their own and even foreign officers, in bestowing medals on them for brilliant services. But perhaps it may be said the difference lies in the descent; if this proves anything, it proves that the descent of a medal ennobles a descendant, which has no such effect on his ancestor, and is an argument too feeble to deserve a serious refutation."

At the Second General Meeting, it was resolved "that the alterations could not take effect until they had been agreed to by all the State Societies." They never were so agreed to, and consequently the original Institution remains in full force. Those Societies that accepted the proposed alterations unconditionally, of course perished with their own generation.

It remains for me to be briefly statistical. But six of the original thirteen States now respond to the triennial call of the Secretary-General. They are Massachusetts, New York, New Jersey, Pennsylvania, Maryland, and of course South Carolina.

The 268 officers of the Pennsylvania line who signed the original institution, are now represented by about 60 of their descendants. Of the New York line, 230 signed the original institution: they are represented by 73 of their descendants. The Society of Massachusetts has always been the largest, 333 having originally signed the institution, now represented by upwards of 100 members. These three States, assumed as a standard, will sufficiently show the danger accruing to the perpetuity of the Society from too strict an observance of the hereditary principle.

The next General Meeting will be held in Charleston, S. C.; when that article of their constitution which expresses "an unalterable determination to promote and cherish between the respective States that union so essential to their happiness," will be the prevailing sentiment. The spirit of their fathers will be revived among men of influence in the land, and the hospitalities extended on the occasion will not be the least among the harmonizing

weights in that delicately-hung balance where so many rival interests agitate the scales.

The pensioners are few in number. The funds of the Pennsylvania Society carry cheerfulness to the hearths of about twenty families. The other Societies probably disburse in a similar proportion. The little annuities that are paid over are not looked upon in the nature of alms, but rather as the right of the participants. It is the one month's pay of their ancestors, hardly earned and grudgingly doled out to them, now returned with increase after many days.

Of those generous hearts who had this tender regard for their posterity, not one survives! The last veteran is gone! and, so far as relates to the founders of an honourable fraternity, the living source of all traditional reminiscence is forever closed. On the 29th of November, 1854 (five weeks ago), died Major Robert Burnett, the last survivor of the original Cincinnati. He died at his residence, near Newburgh, hard by the spot where, seventy years ago, he entered into a conspiracy that was destined to cramp the energies of the growing Republic. The scene where accents of an eternal farewell were wrung from many a warm and manly heart. He lived to see the place become a mart of traffic, busy with the hum of life, and trade's unfeeling train sweep by to dispossess it of every hallowed association. He lived to see the Cincinnati the graceful embodiment, the sign and symbol, the outward exponent, the seal and impress of the American Revolution - an object of veneration to a few; to the many scarce the shadow of a name! Such are the mutations of time!

When General St. Clair and Colonel Sargent gave the name of their favourite Society to the three block-houses that formed a settlement then called Losanteville, at the confluence of the Licking and the Ohio, they little thought they were enthroning a "Queen of the West," and erecting a monument which will probably outlive all recollection of the object it commemorates. And even now, perhaps, not one in a thousand of the active and enterprising citizens of that thrifty "locality," as he brands his barrels of "prime middlings," or stencils the covers of his "sugarcured hams," or pastes the label upon bottles of "sparkling Catawba," dreams for a moment that he is spreading over this and other lands the name of an association that, at one time, in the apprehension of many sensible people, threatened the liberties of his country.



JOURNAL

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THE GENERAL MEETING

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THE CINCINNATI

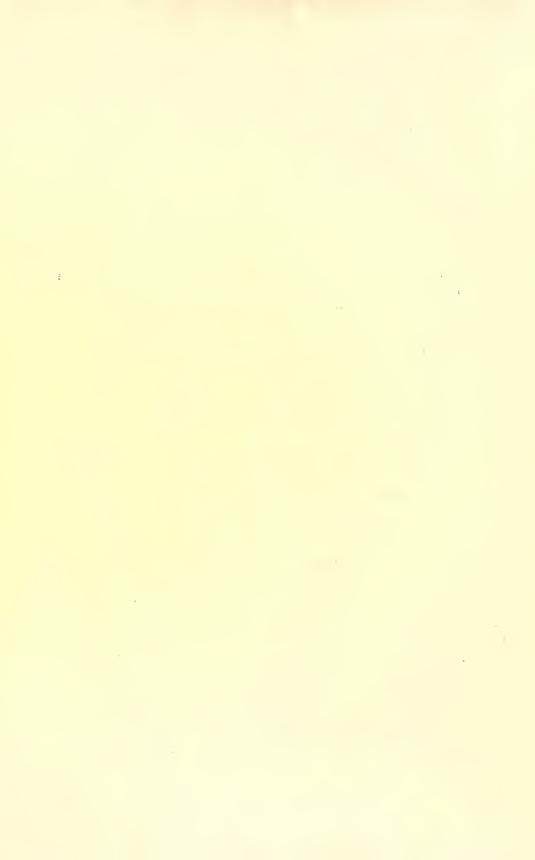
IN 1784.

BY MAJOR WINTHROP SARGENT,

A DELEGATE FROM MASSACHUSETTS.

Now First Printed.

(57)



PREFACE.

The original MS. of the following Journal was found by the editor among the papers of the late Governor Sargent; and at the suggestion of some friends who considered its historical interest, when taken in connection with the little that seems to be generally known respecting the Society to which it refers, as of sufficient importance to warrant such a step, it has been prepared for the press.

The writer was born at Gloucester, Massachusetts, May 1st, 1753; graduated with distinction at Harvard college; and enlisted in the American army, then besieging Boston, on the 7th of July, 1775. He declined a company in several of the marching regiments; and on March 16th, 1776, was appointed eighth Captain-Lieutenant of Knox's regiment of artillery, as appears by the muster-roll in the Knox MSS. In this line he served through the Revolutionary war "with great reputation," according to Washington, who had "a high opinion of his worth;" and gradually rose to a Majority. The principal actions in which he bore a part, were the

siege of Boston; the battle of Long Island, and the operations that attended the retreat from New York; the affairs at White Plains, Trenton, and Princeton; that of Brandywine, Germantown, and Barren Hill; of Valley Forge, and Monmouth, &c. 1785, General Washington wrote of him, "that he entered into the service of his country at an early period of the war, and during the continuance of it, displayed a zeal, integrity, and intelligence, which did honour to him as an officer and a gentleman." For many years after the war, he filled various offices of dignity, both civil and military. In 1791, Colonel Sargent was Adjutant-General at St. Clair's defeat, where he was severely wounded. Two bullets that he received on that day were never extracted, and were carried in his body through the rest of his life. He was afterwards Governor of the Mississippi Territory, where he died in 1820.

In the affairs of the Society of the Cincinnati, Major Sargent had taken, in common with hundreds of other officers, a great interest. The decoration of the Order appears in Stuart's portrait of him, as it does in those of most members who sat to that artist. From his intimacy with Knox, Putnam, Howe, Shaw, and others among the framers of the Institution, it is probable that he possessed a full knowledge of all that it was designed to accomplish; but if this was anything more than what is ex-

pressed on the face of that instrument, he has left us no indication of it. It is not intended here to go over the history of the formation of the Cincinnati, and the clamours that were raised against it. Mr. Alexander Johnston, in his paper before the Historical Society of Pennsylvania, has referred to all this in a manner that leaves nothing to be said in this place on the subjects he has treated of. But, having at various times given some attention to the matter, the editor begs leave to suggest one or two points that have occurred to him.

In an article in the North American Review for October, 1853, the present writer, following Marshall and Sparks, expressed the belief, that the idea of the Society was first suggested by Knox; and that the Baron de Steuben probably had at least been consulted in the inception of the scheme. since been favoured with the perusal of the original rough draft of the Society, in the handwriting of Knox, and dated at West Point, April 15th, 1783, being considerably antecedent to the meeting of the officers, May 10th, 1783; which gives us the earliest intimation we have of the formation of the Cincin-This paper, with several others from the same source, as yet unknown to the press, the editor hopes ere long to receive permission to make use of; in which event, they will appear in an appendix to this tract. And though there is no evidence of the fact, beyond the assertions of its enemies, he supposes it not improbable, that one benefit proposed to be attained by the officers in thus banding themselves together, may have been an increased capacity to resist the threatened oppression of that Government they had themselves created; and to enforce more successfully an audience of their claims for payment of their lawfully earned dues. So far as this goes, and even this is purely conjectural, the combination may perhaps have been political. But, as for the creation and hereditary transmission of a distinctive badge of their Order, it amounted in reality to nothing more than the expression of that desire for glory which is the breath of a soldier's nostrils. In all ages, such personal distinctions have been the temptation to lure men into perils, for which mere gold could yield no compensation.

For gold the merchant ploughs the main,
The farmer ploughs the manor;
But glory is the soldier's prize,
The soldier's wealth is honour.

A statue in the Comitium, or a mural crown, would lead the Roman veteran through flood and flame; the crusader's cross-legged effigy, even in death, preserved the memories of Acre and "the listed field at Askalon;" and a ribbon of the Legion of Honour atoned to the followers of Napo-

leon for the poisoned heats of Egypt, and all the frozen horrors of the North. It is not then strange that, seeing their enemies daily rewarded with like trophies by the King of England, and listening to the nightly aspirations of their allies for the cross of St. Louis, the appropriate reward of French prowess, the American soldier should have sighed in his turn for some like distinction. That it was a claim to public consideration to have served with honour in the ranks of the Revolution, is evident from the warmth with which the Order itself was inveighed against and defended: and that it should have been made hereditary might have been excused by the plea that there was little likelihood of most of the members being ever able to leave much else to their children. But it seems more than probable, that the first defined suggestion of the assumption of a distinctive Order, came from Steuben, or some other foreigner. This idea is hinted at in a sharp letter from Lafayette to John Adams, of 8th of March, 1784. (Life and Works of Adams, viii., p. 187.) Remarking on certain animadversions upon the Society attributed to Mr. Adams, in which it was styled a French blessing, Lafayette says, the French court had not, so far as he knew, even dreamed of the Society, before Count de Rochambeau was written to by General Washington. But the constant association of French officers, bearing the Order of St. Louis, with the Americans, must have occasioned many suggestions for the creation of another military Order; and it is not incredible, that the "considerable resemblance," noted by Macaulay, between a rule of the Order of St. Louis and that ordained by the Censors for the Roman knights in the age of Cincinnatus, occurring to some well-read chevalier desordres du Roy, of Rochambeau's camp, may have given a spur to the comparison which fixed the name of the Society of the Cincinnati.

However this be, it is to Knox that the first development of the scheme is to be ascribed: "ever noted for generous impulses," says Mr. Irving, he "suggested, as a mode of perpetuating the friendships thus formed, and keeping alive the brotherhood of the camp, the formation of a society composed of the officers of the army. The suggestion met with universal concurrence, and the hearty approbation of Washington." Rochambeau, indeed, attributes a greater share in its creation than mere approval to the illustrious Chief. After stating that the army, threatened with being turned adrift unpaid and penniless, was ripe for revolt, he continues: "Le général Washington, conservant ce caractère noble et patriotique qui a toujours fait la base de sa conduite, ramena les esprits au sentimens de générosité qui les avoient animés dans

le cours de la revolution. Il fit proposer l'institution de la société de Cincinnatus, pour perpétuer la mémoire de l'alliance de la France, comme un lien éternel de leur confraternité mutuelle, et la marque honorable de leurs services." (Mémoires, i., p. 321). But this language is too general to testify to more than the Count's opinion as to the cause of its creation: the question of its paternity must remain as given by Irving.

On May 10th, 1783, a meeting of the officers was held at the cantonment on Hudson's river, and certain proposals for the Society considered. These proposals were probably those contained in Knox's rough draft of April 15th, already alluded to. They were amended, and referred for revision to a committee, of whom one was Captain Shaw, General Knox's aide; and the form of institution, as reported by them on the 13th of May, being agreed to, it has continued ever since in force. Mr. Quincy, in his Life of Shaw, who was secretary of the committee, reports on the authority of Colonel Pickering, the fact, that the original draft of the constitution of the Society was from Shaw's pen. This probably refers to the Institution as adopted; with the particulars of which the reader may readily acquaint himself, by recourse to the official publications of the Society. Under its regulations, the first general

meeting was not to be held until May, 1784: and a meeting of persons properly authorized was therefore held on June 19th, 1783, to choose temporary officers. An ominous foreboding of ill might have been gathered from the place of assembly—the new building at the cantonments having been struck by lightning a few nights before during a violent storm, and its flagstaff shivered. Certainly a storm of another kind was already brewing against the Cincinnati. Even among the officers themselves, it had opponents, who refused to join its ranks on account of its anti-democratic character. General Heath tells us that he hung back for some time, and only came in, lest it should be said to his posterity, that their ancestor was guilty of some misconduct which deprived him of his badge. But the prevailing wishes of the officers were in its favour.

Far different was the feeling in other quarters. The opinion of Mr. Adams, that the formation of the Society was "the first step taken to deface the beauty of our temple of liberty," found a wider concurrence than most of that gentleman's sentiments were fated to encounter. As the year rolled on, the public uneasiness was increased by the appeals of the press: and the general meeting of May, 1784, was looked to with an interest second only, if at all, to that inspired by the coming

together of the Congress. Mr. Irving thus relates the occurrence in his Life of Washington. (IV. p. 454.)

"The time was now approaching when the first general meeting of the Order of Cincinnati was to be held, and Washington saw with deep concern a popular jealousy awakened concerning it. Judge Burke, of South Carolina, had denounced it in a pamphlet as an attempt to elevate the military above the civil classes, and to institute an order of nobility. The Legislature of Massachusetts sounded an alarm that was echoed in Connecticut, and prolonged from State to State. The whole Union was put on its guard against this effort to form an hereditary aristocracy out of the military chiefs and powerful families of the several States.

"Washington endeavoured to allay this jealousy. In his letters to the President of the State Societies, notifying the meeting which was to be held in Philadelphia on the 1st of May, he expressed his earnest solicitude that it should be respectable for numbers and abilities, and wise and deliberate in its proceedings, so as to convince the public that the objects of the Institution were patriotic and praiseworthy.

"The Society met at the appointed time and place. Washington presided, and by his sagacious counsels effected modifications of its constitution.

The hereditary principle, and the power of electing honorary members, were abolished, and it was reduced to the harmless, but highly respectable footing on which it still exists.

"In notifying the French military and naval officers included in the Society, of the changes which had taken place in its constitution, he expressed his ardent hopes that it would render permanent those friendships and connections which had happily taken root between the officers of the two nations. All clamours against the Order now ceased. It became a rallying place for old comrades in arms, and Washington continued to preside over it until his death."

In this statement, Mr. Irving only follows Marshall, Sparks, Guizot, Hildreth, C. F. Adams, and other writers; and not unnaturally falls into the same conclusions. The general meeting of 1784 undoubtedly did attempt to modify the Institution; but it could do no more than recommend the acceptance of these alterations to the several State Societies. The assent of all the States was necessary before they could take effect, and that assent was never given: wherefore the Society stands now on the same footing that it did on its organization.

The meeting of 1784 was undoubtedly looked to with a great interest; and the fact that the essential parts of the Journal which follows were written in

cypher, shows very clearly that the men who sate in that council were not willing the public should penetrate their secrets. A few years later, the guillotine was the penalty inflicted by the sister republic for the crime of membership. No such state of things could have been contemplated in 1784: but there was undoubtedly a general jealousy of the Society. What transpired in its meeting may probably be recorded in its archives: but in no other place is there reason to suppose any account exists of the proceedings on that occasion, save in this Journal. The reader will perceive that it is written freely, and without the formal precision of a clerk: perhaps it is none the less interesting on that score. The spelling of some of the French names may also be noticed as an example of the lack of colloquial familiarity between the two nations at that day. The Count de Rochambeau himself affords a case of compensation; in whose Memoirs of our war one is sometimes puzzled to recognize in Heats, Trumboldt, Vaine, Ohera, and Cabb, the men we name Heath, Trumbull, Wayne, O'Hara, and the Baron de Kalb.

The meeting of the Society was called for Monday, May 1st, 1784. Probably, nothing was done on that day, as the Journal commences on Tuesday, May 2nd. It terminates abruptly on May 18th; about which time therefore, it is likely that the meeting finally adjourned. It is understood that the Society of the Cincinnati has in contemplation the preparation, from its own archives, of a history that will doubtless be clear and full on many points wherein this editor is necessarily uninformed. Such a work cannot but be a most acceptable contribution to our historical literature. In the mean time, it is hoped that the notes, imperfect as many of them are, appended to this publication, may not be criticised with too severe eyes; and that the history of the meeting of 1784, now for the first time made generally known, may possess some interest for the inquirer into that period of the history of America and of Washington. The position assumed by the Chief on this occasion has often been declared by his biographers; but the concurrent testimony of one of his most devoted followers, given with that simplicity and frankness, characteristic of a soldier's private diary, places his willingness to yield to the tide of popular opinion, in a very strong light. For the well-being of the Cincinnati, as well as for other causes, the editor is not dissatisfied that those efforts should have failed of entire success.

WINTHROP SARGENT.

Philadelphia, Aug. 15, 1857.

Journal of the Cincinnati.

1784.

Tuesday, the 4th of May, 1784. Assembled at the City Tavern, and, after choosing a Committee of Three, to examine the credentials of gentlemen who should present themselves as delegates to the General Meeting, adjourned till 9 o'clock to-morrow morning.

[May 5th, 1784.] Convened at nine: received the report of the Committee, as follows:

Properly elected for

NEW HAMPSHIRE:

HENRY DEARBORN; 2

¹ The City Tavern, in Second, near the corner of Walnut street, was then one of the chief public-houses of Philadelphia.

² Col. Henry Dearborn (b. 1751; d. 1829) was Secretary at War from 1801 to 1809, and, during the war of 1812, commander-in-chief of the army.

MASSACHUSETTS:

HENRY KNOX;²
DAVID COBB;³
RUFUS PUTNAM;⁴
WILLIAM HULL;⁵
WINTHROP SARGENT;

¹ Of the Massachusetts Society, Knox thus writes to Washington, from Boston, Feb. 21, 1784: "The Cincinnati appears, however groundlessly, to be an object of jealousy. The idea is that it has been created by a foreign influence, in order to change our forms of government. * * * * The cool, dispassionately sensible men seem to approve of the institution generally, but dislike the hereditary descent. The two branches of the Legislature of this State, namely, the Assembly and Senate, have chosen a committee 'to inquire into any associations or combinations to introduce undue distinctions into the community, and which may have a tendency to create a race of hereditary nobility, contrary to the confederation of the United States, and the spirit of the Constitution of this Commonwealth.' They have not yet reported, and perhaps will not. The same sentiments pervade New England. The Society here have had a respectable meeting at Boston, on the 10th inst., at which Gen. Lincoln presided. Gen. Heath was not present. A Committee was chosen to attend the General Meeting at Philadelphia, next May-Gen. R. Putnam, Col. Cobb, Lieut.-Col. Hull, Major Sargent, and myself. Probably only two will attend. It was thought prudent not to make any honorary members at present. The officers and soldiers conduct themselves in an exemplary manner, and are generally as industrious as any part of the community." (Corr. of Rev. ed. Sparks; iv. 58.)

² Major-General Knox, the friend of Washington (b. 1750; d. 1806). From 1783 to 1800, he was Secretary of the General Society, and in 1805 was elected its Vice-President. His biography is now being written by Mr. Willard, of Boston.

³ Lieut.-Col. Cobb was in 1809 Lieutenant-Governor of Massachusetts, and died in 1828.

⁴ Brig.-Gen. Rufus Putnam (b. 1738; d. 1824) was one of the founders of the State of Ohio, where he filled many important offices. (See Burnet's Northwestern Territory, p. 43.)

⁶ Lieut.-Col. Hull, whose unfortunate part in the war of 1812 is well known The connection of Dearborn and Bloomfield, two of his brother

RHODE ISLAND:

NATH'L GREENE; 1
JAMES VERNOM; 2
JEREMIAH OLNEY; 3
DANIEL LYMAN;
SAMUEL WARD;

CONNECTICUT:

SAMUEL H. PARSONS;⁴
JEDEDIAH HUNTINGTON;⁶
HEMAN SWIFT;

members, with the court-martial that sentenced him to be "shot to death," is curious. In Clarke's Hull, this General Meeting is mentioned, but no particulars are given of the "interesting business which had called them together."

¹ Two years later this good man and skilful soldier died in Georgia, where, invited by an exhibition of popular affection and gratitude not less laudable than rare, he had selected his abode.

² Probably Major-General James Mitchell Varnum, one of the first settlers of Ohio, who died in 1789.

- ³ Colonel Olney had served with distinction through the war, in the line of Rhode Island. After its close, he was the President of the Cincinnati of that State, and Collector of the Customs at Providence, for many years, in times when Federal offices were the rewards of merit. He died Nov. 10, 1812, in his 63d year, leaving a reputation for worth as unblemished as unusual. (See also Rogers's Am. Biog., and Coll. R. I. Hist. Soc., vol. v.)
- ⁴ Major-General Samuel Holden Parsons: born May 14, 1737; died at Big Beaver Creek, in the Northwestern Territory, Nov. 17, 1789. A contemporaneous MS. says: "He was drowned in attempting to come down that river (and perhaps near the Falls) in a canoe, with one man. His family have suffered a severe loss, for tho' in years, and thereby impaired in his capacities, he still retained the ability to have rendered them important services."

⁶ Brig.-Gen. Jedediah Huntington: b. May 15, 1743; d. Sept. 25, 1818.

David Humphreys; 1
Jonathan Trumbull; 2

NEW YORK:3

PHILIP CORTLAND; 4
WM. S. SMITH; 5

- ¹ Col. David Humphreys, as well known by his civil, military, and diplomatic services, as by his ready pen, was born in 1752, and died in 1818.
- ² Mr. Trumbull was, in 1775, "appointed by Congress paymaster in the Northern Department, and, soon after, secretary and aid to General Washington." Entering into the civil service of the State, he was, in 1791, chosen Speaker of the Federal House of Representatives; in 1794 he was elected to the Senate; and, in 1798, chosen Governor of Connecticut, to which post he was annually re-elected until his death, in 1809. (Alden's N. E. Biog., p. 397; Barber's Hist. Coll. Conn., p. 322.)
- ³ Respecting this delegation, I find the following passage on page 24 of "The Institution of the Society of the Cincinnati," etc. Published by order and for the use of the members in the State of New York (New York: printed by Samuel Loudon, 1784), among the proceedings of the New York Society, on Feb. 9, 1784: "On motion, Resolved, That the Society proceed immediately to the choice of three Deputies, to represent them at the meeting of the General Society, any two of whom shall be a representation. The ballots being then taken, Brigadier-General Cortlandt, Lieutenant-Colonel Smith, and Lieutenant-Colonel Fish, were elected."
- ⁴ Brig.-Gen. Philip Van Cortlandt died at his seat in Westchester county, New York, Nov. 5, 1831, in his 82d year. He served with credit from the beginning to the end of the Revolutionary War, and, among many other battles, had the fortune to share in the glories of Saratoga and Yorktown. After the war, he represented his district in Congress for nearly twenty years; and to his death "possessed the esteem and confidence of his fellow-citizens." I find this gentleman's name generally spelt at the time, by strangers, as in the text. From 1783 to 1788 he was Treasurer of the Cincinnati of New York.
- ⁵ Lieut.-Col. Wm. S. Smith was Secretary of the New York Society from 1790 to 1793, and again in 1803; in 1794 he was chosen its Vice-President, and in 1804 its President. He died June 10, 1816.

NICHOLAS FISH; 1

JAMES FAIRLIE; 2

NEW JERSEY:

ELIAS DAYTON; ³
DAVID BREARLY; ⁴
JONATHAN DAYTON; ⁵
AARON OGDEN; ⁶

PENNSYLVANIA:

John Dickinson;

¹ Lieut.-Col. Nicholas Fish, of the 2d N. Y. Regiment, was the first Assistant Treasurer of the New York Society; in 1795 its Vice-President; and in 1797 its President. He died in New York, June 20, 1833, aged 75 years. His son, Gov. Hamilton Fish, is the existing President-General of the Society.

² Major James Fairlie, "of facetious memory," was a lieutenant in the 2d N. Y. Regiment, and A. D. C. to the Baron de Steuben. He served with distinction in the war, and is mentioned in Heath's Memoirs, p. 230. He was Secretary of the New York Society in 1784, and Assistant Treasurer in 1805. Mr. Irving (Washington, iv. 475) records that Washington, while on a water party, was so overcome by the drollery of one of Major Fairlie's stories, "that he fell back in the boat in a paroxysm of laughter." Fairlie died Oct. 11, 1830.

³ Brig.-Gen. Elias Dayton, of the New Jersey line: died in 1807, aged 70 years.

⁴ Lieut.-Col. David Brearly was a member of the State and Federal Conventions, and for nine years Chief-Justice of New Jersey. He died Aug. 16, 1790, in his 45th year. (Barber and Howe; Hist. Coll. N. J., p. 303.)

⁵ Jonathan Dayton, afterwards speaker of the House, in Congress, and godfather of Dayton, Ohio.

⁶ Captain Ogden was afterwards a Senator in Congress; in 1813 was made a major-general, but declined the office; Vice-President-General in 1825; and President-General from 1822 to his death, in 1839.

⁷ John Dickinson, Governor of Pennsylvania, and the fourth hono-

STEPHEN MOYLAN; ¹
THOMAS ROBINSON; ²
THOMAS B. BOWEN; ³
ABRAHAM G. CLAYPOLE; ⁴

DELAWARE:

James Tilton; 5

James Moore; 6

MARYLAND:

WILLIAM SMALLWOOD; 7 OTHO H. WILLIAMS; 8 NATH'L RAMSAY; WM. PACA; 9

rary member of the Cincinnati of that State: b. 1732; d. 1808. For a sketch of his character, see Flanders's Chief-Justices of the United States, i. 137.

- ¹ Brig.-Gen. Moylan, a native of Ireland, was colonel of the 4th Light Dragoons: in 1800 Vice-President of the Pennsylvania Society.
 - ² Lieut.-Col. Robinson, of the 2d Penna. Regt., a native of Ireland.
- ³ Captain Thomas Bartholomew Bowen, of the 1st Penna. Regt., was at one time a member of the South Carolina Society.
 - ⁴ Captain Claypoole, of the 3d Penna. Regt.
- ⁵ Dr. James Tilton was born in 1745; was physician and Surgeon-General of the army in the war of 1812; and died in Delaware in 1822.
- ⁶ Major Moore was in 1800 Assistant Treasurer of the Pennsylvania Society.
- ⁷ Major-General Smallwood, Governor of Maryland in 1785, and President of the State Cincinnati; d. 1792. Several letters concerning the meeting of 1784 are given in the Maryland Papers of the Seventy-six Society.
 - ⁸ Brig.-Gen. Williams: b. 1748; d. 1794.
- ⁹ Gov. Paca was a signer of the Declaration, and Governor and Chief-Justice of Maryland: b. 1740; d. 1799.

VIRGINIA:

GEORGE WHEEDON; 1 WM. HETH; HENRY LEE; 2 JAMES WOOD; 3

NORTH CAROLINA:

READING BLOUNT; ⁴
ARCHIBALD LYGHTLE; ⁵
GRIFFITH J. M'KEE; ⁶

SOUTH CAROLINA:

WM. WASHINGTON; 7

¹ Brig.-Gen. Weedon, before the war, was an innkeeper at Fredericksburg, Virginia.

² Afterwards Governor Lee, originator of the phrase which names Washington as "first in war, first in peace, and first in the hearts of his countrymen." Born, 1756; died in 1818, of wounds received from a mob of political opponents at Baltimore, in 1812. (Howe's Hist. Coll. Va., 511.)

³ Col. Wood was afterwards Governor of Virginia; in whose honor is named Wood county; died 1813.

⁴ Reading Blount was captain in the North Carolina line in 1776. (Wheeler's N. C., i. 80.)

⁶ Wheeler says Archibald Lytle was a captain of the N. C. line in 1776.

⁶ Griffith John M'Kee; b. in North Carolina in 1753; major and bvt. lt.-col. in revolutionary army; capt. artillerist and engineers, June 2, 1794; resigned April 24, 1798. Collector of Wilmington, N. C., April, 1798. Died Oct. 3, 1801. (Gardner's Army Dict.; Wheeler's N. C.)

⁷ Lieut.-Col. Wm. A. Washington, of the South Carolina line. From 1798 to 1800 he held a brigadier's commission in the Federal army; died 1810.

WALTON WHITE; 1 LEWIS MORRIS; 2 GEORGE TURNER; 3

GEORGIA:

JOHN S. EUSTACE; ⁴
ALEX'R D. CUTHBERT;
JOHN LUCAS;
JAMES FEILDS.

General Washington, President-General,⁵ and General Knox, Treasurer, begged leave to resign their offices. The President was then requested to resume his seat, as a temporary appointment, for the whole business of this General Meeting; and Major Turner was desired to attend to the duty of scribe:—After which, we resolved ourselves into a committee of the whole, Col. Ramsay in

¹ Col. Anthony Walton White, of the 1st Light Dragoons, seems*to have been originally a member of the South Carolina Society, and afterwards of that of New York. Gardner (Army Dict.) says he was of Virginia, and brigadier from 1798 to 1800. He died Feb. 10, 1803.

² Lieut.-Col. Lewis Morris was an original member of the Society of South Carolina, to which State he had probably removed from New York.

³ Major Turner was a captain in the South Carolina line. In 1787 he was Assistant Secretary of the General Society; and in after years, I think, a Federal judge in the Northwestern Territory.

⁴ Major John Skey Eustace, who had settled in Georgia at the close of the war. In 1794 he went abroad, and rose to be a major-general in the French service; commanding a division in Flanders in 1794. He returned to New York in 1800, and died at Newburgh in 1805.

⁵ From the foundation of this Order to the end of his life, Washington continued its head. He had arrived in Philadelphia from Mount Vernon, to attend this meeting, on Saturday, May 1, 1784.

the chair, and the Institution was read, agreeably to the general resolution.

The President then arose; — express'd the opposition of the State of Virginia and other States; — observ'd that it had become violent and formidable, and called for serious consideration; — desired of the members of the several States to declare the ideas which prevailed in their countries with regard to our Institution, and the various manners which they had pursued to obtain this knowledge.¹

Connecticut, by Colonel Humphreys;— a very general disapprobation of the People.

Massachusetts, by General Knox; — expressed similar sentiments — with this difference, that some very sincerely wish its existence, but with alterations material.²

² At the celebration of the 4th of July, 1784, by a public dinner, in Boston, it was thus toasted from the balcony: "May the Members of the honourable Society of Cincinnati ever retain that honour in present establishment, which their bravery and virtues had acquired in their Military." (Freeman's Journal, No. 180.)

¹ On the 8th April, 1784, Washington had written to Jefferson, "inquiring into the real state of public opinion, as well as the sentiments of Congress," on the subject of the Cincinnati. Jefferson replied at great length, decidedly opposing the Society as then constituted, and reciting with much force the usual objections against it. He gives his impression that the Congress was unfavourable to it, and that although they might not express their sentiments unless forced to do so, they would probably "check it by side blows whenever it came in their way; and in competitions for office, on equal, or nearly equal grounds, would give silent preferences to those who are not of the fraternity." He concludes with the opinion that if it was intended to continue the Society, it would be better to make no application to Congress; and that no modification of it would be unobjectionable, except that which would "amount to annihilation;" for such would be the effect of parting with its inheritability, its organization, and its assemblies. (Tucker's Jefferson; i. 169.) The Cincinnati of Virginia, as a separate organization, no longer exists. Its last meeting was in 1822, when its funds, amounting to \$15,000, were transferred to Washington College.

New York, by Colonel Smith; — declared no opposition. Delaware, by Mr. Tilton; — informed that the principal and indeed only enemies of the Cincinnati were among the class of people denominated Tories.

Colonel White, from South Carolina; — gave it as his opinion, that almost all the various classes in the State from whence he came, were opposed to the Institution in its present form.

Georgia, by Major Cuthbert; — declared the very opposite.

Captain Dayton arose—and informed the Meeting that he did not know the sentiments of the People generally in the State of Jersey, but that it was the determination of the Society to preserve and support its dignity.

Pennsylvania, by Governor Dickison; — as an objection of the People's, pointed out the hereditary part.

New Hampshire, by Colonel Dearbourne;—declared that the opinions of the State were very generally in

¹ This opinion of Colonel White's seems to be confirmed by a passage in the Postscript to the Considerations on the Cincinnati, published at Philadelphia in 1783, and written at Charleston, by Judge Aedanus Burke, over the signature of Cassius: "Since the foregoing publication was in press, a set of the Rules and Bye-Laws of the Society of Cincinnati established in South Carolina, have been printed and handed about in this city." He cites the first rule, as follows: "The State Society accedes to the propositions and rules transmitted to Maj.-Gen. Moultrie by Maj.-Gen. Heath and Steuben, respectively, on the 20th May and — day of June last: with this reservation, that if the said propositions or rules should by any construction be held obligatory on the Society, to interfere in any shape whatsoever, with the civil polity, of this or any of the United States, or the United States in general, this Society will not deem themselves bound thereby: They prizing too highly the civil rights of their country, and their own rights as citizens, to consent that a military society should in any sense dictate to civil authority."

opposition to the Institution on its present Establishment.¹

The President-General arose, and acknowledg'd the information from all the States—endeavoured to prove the disagreeable consequences which would result to the Members of the Cincinnati from preserving the Institution in its present form—illustrated the force and strength of opposition to it in a variety of examples, supported by his own knowledge, and informations from confidential friends—proposed as the most exceptionable parts and that require alteration in their very essence, the

¹ It will be seen that there was no reply from Virginia, Maryland, North Carolina, or Rhode Island. The first two States were probably present, but considered their sentiments as delivered by Washington. North Carolina and Rhode Island were probably absent at this stage of the proceedings. The popular feeling in the last is manifested by a passage in Bailey's Freeman's Journal (Philadelphia, April 28, 1784): "We hear that the State of Rhode Island is determined to disfranchise any and every person who is a member of the Order of Cincinnati, and render them incapable of holding any post of honour and trust in that government."

It is odd, that the only notice of the session of this Meeting that I find in any of the local papers of the day, is the following paragraph in David C. Claypoole's paper (the Pennsylvania Packet) of June 12, 1784, where it is copied from a Charleston (S. C.) journal, as an extract of a letter dated May 5, 1784, from a gentleman in Philadelphia to his friend in that city: "I am at present as a representative to the Society of the Cincinnati, we shall have a very full meeting: members from eleven States have already appeared, and the others are hourly expected. We are wounded in our feelings to learn that so many visionary and ill-founded apprehensions, have taken possession of the minds of many citizens, whose good opinions we would wish to have; and as we are conscious of the most pure intentions, I apprehend that it will be the universal sentiment of this meeting, to expunge, strictly define, and explain, every part which can possibly give, or has given, offence to any honest, candid mind. If envy, or a restless spirit, should still pursue us with effect, we must, I suppose, submit to the rod of power, and lament the ungrateful suspicions of a country, of which we think we merit more favourable opinions."

following, viz: - the hereditary part - interference with politicks - honorary members - increase of funds from donations - and the dangers which would be the result to community from the influence they would give us declared that was it not for the connection we stood in with the very distinguished Foreigners in this Institution, he would propose to the Society to make one great sacrifice more to the world, and abolish the Order altogether the charitable part excepted — that considering the connection which we stood in with France, the particular situation in which our Society had placed some of their Officers, he was willing, provided we could fall on a middle way, that would neither lead us to the displeasing of them or encouraging the jealousies and suspicions of our countrymen, to adopt it. But he doubted if this was possible, and if it should so appear on a full investigation, he was determined at all events to withdraw his name from amongst us.

The General here in confidence introduced a report of a Committee of Congress, that no persons holding an hereditary title or order of nobility should be eligible to citizenship in the new State they are about to establish, and declared that he knew this to be levelled at our Institution—that our friends had prevented its passing into resolution, till the result of this meeting should be known; but if we do not make it conformable to their sense of republican principles, we might expect every

¹ This curious passage seems to point out the origin of Art. I, § 9, cl. 8, of the Federal Constitution. Congress at this time was in session at Annapolis: it adjourned June 3d, to meet again at Trenton, Oct. 30, 1784.

discouragement and even *persecution* from them and the States severally. That ninety-nine in a hundred would become our violent enemies.

Here the General introduced a private letter from the Marquis Lafayette, objecting to the hereditary part of the Institution, as repugnant to a republican system, and very exceptionable.¹

Jersey and New York take the matter up on this letter, and in the strongest terms oppose the entire abolition of the hereditary rights and honours of the Society.

Committee rose — President resum'd his seat, and the chairman reported to have made some Progress in the Business before the Committee — begged leave to sit again at nine o'clock to-morrow morning, to which time this meeting stands adjourned.

Thursday, May the 6th, 1784. Met according to adjournment. The Proceedings of the preceding day were read.

^{1 &}quot;Most of the Americans here are virulent against our Association. Wadsworth must be excepted, and Dr. Franklin said little; but Jay, Adams, and all the others, warmly blame the army. You easily guess I am not remiss in opposing them. However, if it is found that the heredity endangers the true principles of democracy, I am as ready as any man to renounce it. You will be my compass, my dear General, because, at this distance, I cannot judge. In case, after better consideration, you find that heredity will injure our democratic constitutions, I join with you, by proxy, in voting against it. But I do so much rely on your judgment that, if you think heredity is a proper scheme, I shall be convinced that your patriotism has considered the matter in the best point of view. To you alone would I say so much; and I abide by your opinion in the matter. Let the foregoing be confidential, but I am sure your disinterested virtue will weigh all possible future consequences of hereditary distinctions." Lafayette to Washington; Paris, March 9, 1784. (Corr. of Rev. ed. Sparks, iv. 61.)

Order of the day moved for, and the Meeting resolved into a Committe of the Whole. A private letter was introduced by General Knox from the Chevalier, General Chateauxleau,¹ the sentiments of which seemed opposed to the hereditary part of the Institution of Cincinnati. General Washington arose, and again opposed this part as particularly obnoxious to the people. In a very long speech, and with much warmth and agitation, he expressed himself on all the Parts of the Institution deemed exceptionable, and reiterated his determination to vacate his place in the Society, if it could not be accommodated to the feeling and pleasure of the several States.

New York spoke in favour of the present form of Institution, as perfectly consonant with the feelings of the people of their State.

A final Report of the Committee being resolved, the President resumed his seat, and the Chairman reported, that the Committee of the Whole had taken into consideration the Institution of the Society of the Cincinnati, and were of opinion, that it ought to be revised and amended:—Submitted for the determination of the Meeting, whereupon 'twas resolved that a Committee, to consist of one Member from each State, should be immediately appointed for this Purpose. The ballots being taken by States, (which is the mode of voting determined in this Meeting,) the following Election is declared duly made, viz.:

¹ M. de Chastellux published his Travels in America: of which work, and its connection with his marriage, see an amusing tale in D'Oberkirch, iii. 287.

New Hampshire: . . . Colonel Dearbourne;

Massachusetts: . . . General Knox;

Rhode Island: . . .

Connecticut: Colonel Humpreys;

New York: Colonel Smith;

New Jersey: Chief Justice Breakly;

Delaware: Doctor Tilton;

Pennsylvania: . . . Governor Dickinson;

Maryland: General Smallwood;

Virginia: General Wheedon;

South Carolina: . . . Colonel Washington;

North Carolina: . . . Major Blount; Georgia: Major Cuthbert.

The Committee proceeded to business: and House to the reading of sundry letters and papers before them respecting the Society; some of which are referred to the Committee as connected with the Institution immediately and very materially.

A number of papers addressed to this Society being in the French language, a Committee is to be appointed to translate them. General Moylan and General Williams the committee. They are desired to translate all the French, and arrange them and other papers properly for the attention of this Meeting. Adjourned to the hour of 12 to-morrow morning.

Friday, May the 7th. Met agreeable to adjournment. Major Blount, a delegate from North Carolina, attended, produced his credentials, and took a seat with the Committee of Revision.

The Committee for translating and arranging the papers, report that they have made some progress, and ask further time for completing their business: and lay the letters and papers which are ready for inspection before the Meeting.

The Committee for revising and amending the Institution, also report that they have made some progress, and ask permission to sit again.

The Meeting proceed to the reading of papers laid before them respecting the Society.

Resolved, that the President-General have a right, ex officio, to attend all committees: — debate, and vote. Adjourned to 12 o'clock to-morrow.

Saturday Morning. Assembled agreeable to the adjournment of yesterday. Entered on the reading of the papers addressed to the Society, in the order they were laid before the Meeting. Major Turner, temporary scribe to the Society, begs leave to resign, which being granted, Colonel Trumbull is elected to that office.

The Committee appointed to revise and amend certain matters and things in the Institution of the Society of the Cincinnati, report that they have finished their business, and beg leave to lay their proceedings before the Meeting. Resolved, that they be read and laid on the table.

The Committee for arrangement of the papers, report that they have ready for inspection of the Meeting a part, which they wish to lay on the table; and ask to sit again.

Resolved, that this General Meeting will on Monday next go into a Committee of the Whole, to take into consideration the alterations and amendments of the Institution of the Society of the Cincinnati, as proposed and reported by the Committee appointed for that purpose. Adjourned to Monday morning, at 9 o'clock.

The following is the form of the Institution, agreeable to the Alterations and Amendments proposed.¹

1st. — It having pleased the Supreme Governor of the Universe in the disposition of human affairs, to cause the separation of the Colonies of North America from the domination of Great Britain, and after a bloody conflict of eight years, to establish them Free, Independent, and Sovereign States, connected by alliances, founded on reciprocal advantage, with some of the great Princes and Powers of this Earth. Therefore, — Gratefully to commemorate this vast event — to continue the mutual Friendships which have been formed under the pressure of common danger, and in many instances cemented by the blood of the parties, and to inculcate the great social duty of laying down in peace the arms assumed for public defence, by forming an Institution which recognizes that sacred and most important principle, and to effectuate those substantial acts of Beneficence dictated by the spirit of brotherly kindness towards

This form, though not concurred in, constitutes a very interesting portion of the history of the Cincinnati; and is now probably for the first time communicated to the public. The side notes refer to the action taken on its different clauses, as will more fully appear in the ensuing text.

those officers and their families, who unfortunately may be under the necessity of receiving them:

The Officers of the American army do hereby in the most solemn manner associate, constitute, and combine themselves into one Society of Friends — who, having generally been taken from the citizens of America, and holding in high veneration the character of that illustrious Roman, Lucius Quintius Cincinnatus, whose example they follow by returning to their citizenship, think they may with propriety denominate themselves — The Society of the Cincinnati.

Recommitted.

2nd.—The Society shall be governed by the following rules and obligations.

Recommitted.

3rd. — All the Commissioned Officers of the Continental Army and Navy, as well those who have resigned with honour after three years service in the capacity of Officers, or who have been deranged by the resolutions of Congress upon the several reforms of the Army, as those who shall have continued to the end of the War, have the right to become parties to this Institution; provided that they subscribe one month's pay, and sign their names to the general rules in their respective State Societies on or before the fourth day of July, 1784 — extraordinary cases excepted.

The rank, time of service, resolutions of Congress by which any have been deranged, and places of residence, must be added to each name.

4th. — Those Officers who are foreigners, not resident in any of the States, will have their names enrolled by the Secretary-General, and are to be considered as members in the Societies of any State in which they may happen to be.

5th. — The General Society will for the sake of frequent communications be divided into State Societies, and those again into such districts as shall be directed by the State Society.

6th.—The Societies of the districts to meet as often as shall be agreed upon by the State Society; those of the States annually on such days and at such places as they shall find expedient; and the General Society on the first Monday in May, annually, so long as they shall deem necessary, and afterwards at least once in every three years.

7th.—The State Societies will consist of all the members residing in each State respectively, and any member removing from one State to another, is to be considered in all respects as belonging to the Society of the State in which he shall actually reside.

Recommitted.

Recommitted.

Recommitted.

8th. — The State Societies to have a President, Vice-President, Secretary, Treasurer, and Assistant Treasurer, to be chosen annually by a majority of votes at the State Meeting.

Recommitted.

9th.—The Meeting of the General Society shall consist of its Officers, and a representation from each State Society, in number not exceeding five, whose expenses shall be borne by their respective State Societies.

Recommitted.

10th. — In the General Meeting, the President, Vice-President, Secretary, and Assistant-Secretary, shall be chosen to serve until the next Meeting.

Recommitted.

11th. — Each State Meeting shall write annually, or oftener if necessary, a Circular Letter to the other State Societies, noting whatever they may think worthy of observation respecting the good of the Society, and giving information of the Officers chosen for the current year. Copies of these letters shall be regularly transmitted to the Secretary-General of the Society, who will record them in a book to be assigned for that purpose.

12th. — Each State Society will regulate every thing respecting itself and the Societies of the districts, consistent with the general Maxims of the Cincinnati — judge of the qualifications of the members who

may be proposed, and expel any member, who, by a conduct inconsistent with a Gentleman and a Man of Honour, or by an opposition to the interest of the Community in general, or the Society in particular, may render himself unworthy to continue a Member.

13th. — Each State Society shall obtain a list of its members, and at the next annual meeting, the State Secretary shall have engrossed on parchment two copies of the institution of the Society, which every member present shall sign, and the Secretary shall endeavour to procure the signature of every absent member; one of those lists to be transmitted to the Secretary-General, to be kept in the Archives of the Society; and the other to remain in the hands of the State Secretary.

14th.—From the State Lists the Secretary-General shall make out, at the first General Meeting, a complete list of the whole Society, with a copy of which he will furnish each State Secretary.

15th.—The Circular Letters which have been written by the respective State Societies to each other, and the particular laws, shall be read and considered, and all measures concerted which may conduce to the benevolent principles of the Society.

Recommitted.

Recommitted.

Recommitted.

16th.—In order to form sufficient funds to assist the unfortunate, each Officer shall deliver to the Treasurer of the State Society one month's pay, which shall remain for the use of the State Society; the interest only, if necessary, to be appropriated to the relief of the unfortunate.

Recommitted.

17th.—Donations may be received from members of the Society or others, for the express purpose of forming funds for the uses aforesaid: the interest of these donations to be appropriated in the same manner as that of the month's pay. Also monies, at the pleasure of each member, may be subscribed in the Societies of the districts, or the State Societies; the whole whereof may be applied by the State Society for the relief of the unfortunate members, or their widows and orphans.

Recommitted.

18th.—And in order that there shall be at all times a sufficient number of persons in the Society to take care of and manage the funds raised as aforesaid, each member shall have liberty to dispose of by deed or will, to take effect after his decease, his right or share in the said funds, which persons so appointed shall have authority to act in managing and applying the interest of the funds agreeably to the principles of the Institution.

And in case any member should die without having disposed of his right in the said funds, the State Society of which he was a member shall have power to elect a fit person in his place for the management thereof, untill charters can be obtained from Legislative authority for more effectively carrying into execution the humane intentions of the Society.

19th.—The Secretary and Treasurer of the State Societies shall once in every year request permission of the Legislature of the State to which they severally belong, to lay before the same their books containing the proceedings of the said Societies, together with accounts of their funds and application thereof, and upon obtaining such permission, shall lay the said books and accounts before the Legislature accordingly.

20th.—The Society shall have an Order, which shall be a Bald Eagle of Gold, bearing on its breast the Emblems hereafter described, and suspended by a deep blue ribbon edged with white, descriptive of the Union of America and France.

21st.—The principal figure, Cincinnatus; three Senators presenting him with a sword and other military ensigns. On a field in the background, his wife standing at the door of their cottage—near it, a plough

Recommitted.

Recommitted.

and instruments of husbandry. Round the whole — Omnia Relinquit servare Rempublicam.¹

On the reverse:—Sun rising: a city with open gates, and vessels entering the port. Fame crowning Cincinnatus with a wreath, inscribed—Virtutis Pramium. Below, Hands joining, supporting a Heart, with the motto—Esto perpetua. Round the whole—Societas Cincinnatorum instituta, A. D. 1783.

Recommitted.

22d.—A Silver Medal, representing the emblems to be given to each member of the Society, together with a diploma on parchment, whereon shall be impressed the figures of the Order and Medal as above mentioned.

Recommitted.

23d.—The Society, deeply impressed with a sense of the generous assistance this country has received from France, and desirous of perpetuating the friendships which have been formed and so happily subsisted between the Officers of the Allied Forces in

¹ See North American Review, vol. 77, p. 288. The cost of the eagles, I believe, was twenty dollars each: they could not now be furnished at near that rate. It may be noted here that in the legend prescribed by the Institution of 1783, as given in the recent publications of the Society (and indeed in the oldest printed copy of the Institution that I have seen, viz: New York: printed by Samuel Loudon, 1784, it is the same), the word reliquit is used. On the eagle, the diploma, and in all their later proceedings, relinquit is substituted. The occasion of this change is not known to me. As for the silver medal, it was probably never executed.

the prosecution of the War, having directed that the President-General should transmit the Order of the Society to each of the characters hereafter named, viz:

His Excellency the Chevalier de la Luzerne, Minister Plenipotentiary; ¹

His Excellency the Sieur Gerard, late Minister Plenipotentiary;²

Their Excellencies the Count d'Estaing;³ the Count de Grasse;⁴ Count de Barras;⁵ the Chevalier des Touches; and Admirals and Commanders in the Navy;

His Excellency the Count de Rocham-

Anne-César, Chevalier de la Luzerne, had been a major-general and colonel of the grenadiers of France; but his later years were given to diplomacy. From 1779 to 1783 he was minister to the Congress, by whom he was much esteemed. He died in 1791.

² Through the intervention of the Historical Society of Pennsylvania, a splendid original full-length portrait of Gérard now adorns the Independence Hall, Philadelphia.

³ Charles-Hector, Comte d'Estaing, born in 1729, entered the army at an early age, and served under Lally in India. Being taken prisoner at Madras in 1759, he broke his parole; for which cause the English, on his recapture, kept him in close confinement. This is said to have embittered him against that nation for the rest of his life. In 1763 he received a naval grade, and in 1778 was sent with a squadron to America, where he was engaged in many important actions. His conduct in the domestic troubles of France was not satisfactory to either party. He became a patriot on calculation, says his biographer, without ceasing to be a courtier from habit. Yet, though a witness against the Queen on her trial, his own head was not preserved. He was sentenced to the guillotine, April 28, 1794. In 1792 he had been appointed admiral by the Republic.

⁴ In 1849, Louis A. Depau succeeded his grandfather, the Comte de Grasse, in the Cincinnati of New York.

⁵ Louis, Comte de Barras, lieut.-gen. in the French navy.

beau,¹ Commander-in-Chief, and the Generals and Colonels in his Army;—

Do now further direct that the President-General also transmit the Order as soon as may be to his Excellency the Marquis de Vaudreuil,² and acquaint him that the Society do themselves the honour to consider him as a Member.

Monday morning, nine o'clock: 10th of May, 1784.3 Met according to adjournment. The order of the day being moved for, the Society resolved itself into a Committee of the Whole, General Smallwood in the chair. The Institution of the Cincinnati as revised and amended was read generally, and by paragraphs particularly, that it might be debated on and more fully considered in every possible point of view.

¹ Jean-Baptiste Donatien de Vimeur, Comte de Rochambeau, after many years of military life and a narrow escape from the guillotine of Robespierre, survived to receive the compliments of Napoleon. "Général"—said the latter, pointing to Berthier and other officers who had served under Rochambeau in America—"Général, voilà vos élèves." "Les élèves ont bien surpassé leur maître," politely replied the Count. He died in 1807, in his 82d year.

² Louis-Philippe de Rigaud, Marquis de Vaudreuil (b. 1723; d. 1802) was son of the well-known Governor of Canada. He entered the navy at an early age, and commanded the Arethusa in the action so famous in British song. In our Revolutionary War, be was engaged in the chief naval battles in the West Indies. In the French Revolution, he was a decided loyalist.

³ On this day the peace between England and America was officially proclaimed, with appropriate illuminations, etc., at Philadelphia, by the public authorities.

The sentiments of the majority of the Meeting appeared opposed to the Institution in its present alterations.

The President-General most expressly declared against it:—gave it as his opinion that the 18th paragraph would be construed as intentional in us to make the Order hereditary; and only an alteration of the terms, but in fact expressing the same designs as held forth in the original Institution. He warmly and in plain language or by implication seemed desirous to expunge all the essentials with which the Society was endowed by those from whom it had its origin.¹

Resolved, to take the sense of the General Committee of the Meeting on the several paragraphs of the Institution as revised, altered, and amended, in their order.

Upon reading them, it is resolved to recommit all but the 1st, 7th, 8th, 12th, and 16th paragraphs.

The President resumed his seat, and the Chairman reported accordingly. The Report accepted by the Meeting, and 'tis resolved that the Committee for altering and amending the Institution be excused further proceedings thereon. Resolved, also, that a Committee of Five be appointed, to take into consideration the Institution and proposed amendments, and make such alterations as they may deem proper; of which they are to report to this Meeting as soon as may be. Elected for this Committee; Governor Dickinson, General Knox, General Williams, Col. Lee and Col. Smith.

¹ The plan agreed upon on the Hudson, in May, 1783, and which still governs the Society, is here indicated.

² It seems evident that though the influence of Washington was very

Laid before the Meeting and read, a letter from Gen. Armand and other French officers (Major L'Enfant particularly, requesting a representation in this General Meeting or Society. Resolved, that the consideration thereof be referred to the Committee for attending to Foreign and other Letters and Papers addressed to this Meeting. Adjourned till to-morrow morning, twelve o'clock.

Tuesday, 12 o'clock. The Society met, according to adjournment, and went into the reading of letters and papers before them.

The Committee for the translating of the French and arranging all the papers, report that they have completed

strongly felt in this General Meeting, a committee of one from each State formed a body too large to be swayed throughout by his wishes. A smaller committee was therefore substituted, of whose members Knox and Lee, and perhaps Williams, held confidential relations with the chief; while Dickinson's views are known to have coincided with his own. It is probable also, from his connections, that Smith was not averse to the proposed change.

Armand Tufin, Marquis de la Roueric, and a brigadier in the American army; died 1791. His portrait is in the Hall of the Hist. Soc. of Pa.

² Of this officer, who took such an efficient interest in the formation of the Cincinnati, and who was employed to procure in Europe the proper decorations for the members, I find the following notice in a very valuable MS. volume of extracts from the French Archives, procured at Paris by the Hon. Richard Rush, and presented by the Hon. Wm. B. Reed to the Hist. Soc. of Penna.; which gives the États de Services of most of the officers of the French army who were employed in America:—"L'Enfant, capitaine au service des États Units depuis 1778. Était lieutenant dans les troupes des colonies lorsqu'il à passé en 1777 au service américain. Était au siège de Savannah, où il été blessé, et est reste sur le champ de bataille. Il a servi depuis dans l'armée du Général Washington. On en fait beaucoup de cas, à aussi que le S'r. de Villefranche consommé sa fortune au service des États Unis. Obtient un pension de 500, et sera présenté pour une compagnie dans les troupes provinciales."

their business, and beg leave to lay before the Meeting sundry letters.

The Committee for altering certain matters and things in the Institution, report that they have made considerable progress in the business—shall be able to make a final report by to-morrow morning, and beg leave to sit till that time.

Finished reading all the letters and papers addressed to the meeting, and resolved that they shall lay on the table until the final report of the Committee for altering and amending certain matters and things in the Institution be made. Adjourned till to-morrow morning, 10 o'clock.

Wednesday morning, 10 o'clock; 12th of May. Met agreeable to adjournment.

The Committee of Five appointed to alter and amend certain Matters and Things in the Institution of the Society of the Cincinnati, report:—that they have finished that business; and lay their proceedings before the Meeting. A copy of the Institution as revised, altered, and amended, is in page—, immediately succeeding the Alterations and Amendments as proposed by the Committee from the several States.¹

by the Committee of Five, is placed by the editor immediately after the paragraph to which this note refers. That of the Committee from the several States has already been given in the text. The side-notes to either Form indicate the corrections or amendments which particular paragraphs as reported, encountered in the General Meeting. The Form as here given differs from that printed by the Society in the articles expunged on debate, as well as in some minor matters of phraseology and arrangement; insomuch as it was referred on the 13th of May to a committee for critical correction and engrossment: (vide post.)

The form of Institution reported by the Committee of Five.

1st. — It having pleased the Supreme Governor of the Universe to give success to the arms of our Country, and to establish the United States free and independent — Therefore, gratefully to commemorate this event; to inculcate to the latest ages the duty of laying down in peace arms assumed for public defence, by forming an Institution which recognizes that most important principle; to continue the mutual friendships which commenced under the pressure of common danger; and to effectuate the acts of beneficence dictated by the spirit of brotherly kindness towards those Officers and their families who unfortunately may be under the necessity of receiving them. The Officers of the American Army do hereby constitute themselves into a Society of Friends; and professing the highest veneration for the character of that illustrious Roman, Lucius Quintius Cincinnatus, denominate themselves the Society of the Cincinnati.

2nd. — The persons who constitute this Society are all the commissioned and brevet officers of the Army and Navy of the United States who have served three years, and who left the service with reputation.

All such Officers who were in actual service at the conclusion of the War; and all the principal staff-officers of the Continental Army.

Officers who have been deranged by the several Resolutions of Congress, upon the several Reforms of the Army.

There are also admitted into this Society the late and present Ministers of His Most Christian Majesty to the United States; all the Generals and Colonels of Regiments and Legions of the Land Forces; and all the Admirals and Captains of the Navy ranking as Colonels, who have coöperated with the Armies of the United States in their exertions for Liberty; and such other persons as have been admitted by their respective State Meetings.

3rd.—The Society shall have a President, Vice-President, Secretary, and Assistant Secretary. There shall be a Meeting of the Society, at least once in three years, on the first Monday in May, at such place as the President shall appoint. The said Meeting shall consist of the aforesaid Officers, whose expenses shall be equally borne by the State Funds, and a representation from each State Society. The business of this General Meeting shall be to regulate the distribution of surplus funds; to appoint Officers for the ensuing term; and to conform the laws of State Meetings to the general objects of the Institution.

4th. — The Society shall be divided into State Meetings, and each Meeting shall have a President, Vice-President, Secretary and Treasurer respectively; to be chosen by a majority of votes annually. The State Meetings shall be on the Anniversary of Independence. They shall concert such measures as may conduce to the benevolent purposes of the Society.

And the several State Meetings shall, at suitable periods, make applications to their respective Legislatures for the grant of Charters. 5th. — Any member removing from one State to another, is to be considered, in all respects, as belonging to the Meeting of the State, in which he shall actually reside.

6th.—|| No honorary members shall hereafter be admitted but upon election by the State Meetings, with permission of the Government of the State in which the Meeting is held, nor shall any member be elected but by the meeting of the State in which he actually resides. ||

7th. — The State Meeting shall judge of the qualifications of its members, and admonish, or if necessary, expel any one who may conduct himself unworthily.

8th. — The Secretary of each State Meeting shall register the names of the members resident in each State, and transmit a copy thereof to the Secretary of the Society.

9th. — In order to form funds for the relief of unfortunate members, their widows

Expunged.

and orphans, each officer shall deliver to the Treasurer of the State Meeting one month's pay. || And donations may be received from members and others: the interest of the pay and donations, if necessary, to be applied to the purposes before mentioned. ||

10th.—No donations shall be received but from citizens of the United States.

11th. — The funds of each State Meeting shall be loaned to the State, by permission of the Legislature, and the interest only, annually, to be applied for the purposes of the Society: and if in process of time, difficulties should occur in executing the intentions of the Society, the Legislatures of the respective States be requested to make such equitable dispositions as may be most correspondent with the original design of the Institution.

12th. — The subjects of His Most Christian Majesty, members of this Society, may hold meetings at their pleasure, and may form regulations for their police, conformable to the objects of the Institution, and to the spirit of their Government.

13th. — The Society shall have an Order, which shall be a Bald Eagle of gold, &c., and as expressed in the original Institution, and in the Plan of Amendment proposed

Expunged.

by the Committee of the States for revising the Institution, which is annexed to these Papers in its order.

Upon this Report of the Committee and the reading of the Institution, the Meeting resolved itself into a Committee of the Whole—Gen. Wheedon in the chair—and with freedom debated the paragraphs as they were severally and repeatedly read. A considerable majority concurred in the 1st, 4th, 5th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, and 15th:—determined to postpone the consideration of the 2d:—the 3d and 6th to be recommitted to the Committee of Five. The Committee rising, report accordingly to the President, who resumed his seat. This Meeting resolves to take up the Report of the General Committee to-morrow morning at nine o'clock; to which time it stands adjourned.

Thursday, the 13th of May. Met according to adjournment, and the order of the day being called, the Meeting proceeded to the consideration of the Institution of the Society of Cincinnati as altered and amended, by Paragraphs severally. — Confirmed the 1st; made the alterations in the 2d Paragraph as annexed in their order on page —, agreeable to the reference.

The Opinion of the Meeting was taken in regard to the admission of officers of any individual State to be parties to the Institution of the Cincinnati, who had served in time and manner proposed: and in the affirmative, notwithstanding that part of the 1st clause of the 2d Paragraph which appears to limit the right to officers of the Army and Navy of the United States collectively.

The 3d Paragraph was confirmed;—the 4th also, with the addition as on page—; the 5th approved without any alteration; the 6th expunged; the 7th, 8th, 9th, 10th, 11th, 12th, 13th;—all assented to.

Resolved that the Institution be styled—The Institution of the Society of the Cincinnati, as altered and amended by the General Meeting held at Philadelphia, &c.

Resolved, that a Committee of Three be appointed to prepare a Circular Letter to the several State Societies with the Institution as now amended, setting forth the reasons which induced this Meeting to make the alterations;—Governor Dickinson, Colonels Lee and Humphreys the Committee. The Institution is referred to the above Committee for critical correction and engrossment.

Resolved, that all the letters and papers addressed to this Meeting, be referred to a Committee of Three to report thereon; — Gen. Knox, Col. Smith, and Gen. Williams, appointed.

The thirteen States concurred in the Institution, as altered, &c., except New York, divided:—Smith, for; Fairlie, against; Cortland, absent.

Adjourned till 12 o'clock to-morrow.

Convened according to adjournment, Friday, 14th of May. The Committee who were appointed to prepare the draft of a Circular Letter, &c., &c., &c., report that they have made some progress in their business, and hope to be able to make a final report by to-morrow morning, and ask leave to sit again.

Resolved, that this meeting will to-morrow ballot for Officers to the General Society of the Cincinnati.

The Committee appointed to take into consideration the Papers and Letters addressed to this Society report that there are some from France and one from Gen. Armand that require answers; and others that ought to be referred to the Society in France. Resolved, that a Committee of Three be appointed to prepare answers;—Gens. Knox and Williams, and Col. Smith. Resolved, that this Committee be authorized to confer with Major L'Enfant on pecuniary and other matters, and act thereon.

Resolved, that a Committee of Three be appointed to draft the form of a diploma for the Members of the Cincinnati: Major Turner, Captains Dayton and Fairlie appointed. Adjourned till to-morrow morning, 11 o'clock.

Saturday, 15th of May. Met agreeably to adjournment. The Committee for preparing drafts of letters reported and laid on the table a draft of a letter to Baron Viomenil²

In a letter to the New York Society, read at its meeting on July 4th, 1786, Major L'Enfant refers to his correspondence with this General Meeting of 1784. Its subject seems at least in part to have had relation to the proceedings of the Cincinnati of France, at the meeting at Paris, March 10th, 1784, and the pretensions of unqualified foreigners. See Extract from the Proceedings of the New York State Society, etc. (New York, 1786), p. 17.

² Antoine-Charles du Houx, Baron de Vioménil, was next in command under Rochambeau. His life was passed in the profession of arms, in which he was constantly distinguished. He died Nov. 9, 1792, of wounds received in the defence of the Tuileries on Aug. 10, 1792.

I have seen it stated that when the terms of capitulation of Yorktown were in consideration, and the contents of the British military chest were made known, the French Commissioner, considering that the amount was small, and that in all likelihood Lord Cornwallis would stand in need of the money for the personal accommodation of his troops and himself, volunteered the suggestion that the point should not be raised, and that the treasure, such as it was, should be left at the Earl's disposal. To

and one to Brigadier-General Armand. They also reported that they had received and examined Major L'Enfant's Account for his agency in France, which was laid on the table.

On motion resolved, that the officers of His Most Christian Majesty's Army and Navy who have served in America and who were promoted to the rank of Colonel, are comprehended in the Institution of the Cincinnati as altered and amended.

The Committee on the Circular Letter and also for correcting and engrossing the Institution, reported and laid on the table the draft of a Circular Letter, and also the Institution as amended, fairly engrossed and corrected.

On motion,—the draft of the Circular Letter having been read paragraph by paragraph, fully considered, and the same unanimously approved—resolved, that the President of the Meeting be desired to sign and forward a copy of the same to each of the respective State Meetings.

A draft of a letter to Baron Viomenil; — a draft of one to Brigadier-General Bogenville; — and one to Brigadier-

this, however, Col. Laurens, for the Americans, objected positively. The amount, he said, might be trifling to a great European State, but it was of importance to such a government as his own. Consequently, the military chest was included in the articles of surrender. Vioménil afterwards carned the praise of the English, by pressing the use of his purse, to the extent of £2000, upon Cornwallis, who, in this emergency, might be reasonably supposed to have been in a condition to receive such a supply. It happened, however, that the Earl had a sufficient sum with his agent in New York to meet all his exigencies.

Louis-Antoine de Bougainville, the celebrated voyager, who had been A. D. C. to Montealm in America during the Seven Years' War: b. 1729; d. 1814. He commanded a division under De Grasse, and in 1781 was opposed to Hood before Martinique. In 1782 he shared in several other

General Armand having been read and approved, are ordered to be transcribed, signed and transmitted by the President.

Ordered, that a Committee of Two be appointed to superintend the printing and publishing in pamphlet form the Circular Letter to the State Societies with the Institution as altered and amended by this Meeting:—Mr. Humphreys and Mr. Turner chosen.

Ordered, that the same gentlemen procure the Circular Letter to be also published in the most public newspapers.²

Agreeably to the order of the day, the Members proceeded to ballot for the Officers of the Society for the ensuing term; — when, the ballots being taken,—

His Excellency General Washington was unanimously chosen President. General Gates was chosen Vice-President; General Knox, Secretary; and General Williams, Assistant Secretary.

Adjourned till Monday next, 9 o'clock.

Monday, 17th of May. Assembled agreeable to adjournment. A letter from General Gates was received and read,

actions; was promoted to the rank of chef d'escadre; and repassed to the land service, with the grade of maréchal de camp.

¹ My copy of this rare tract bears the following title: "A Circular Letter, addressed to the State Societies of the Cincinnati, by the General Meeting, convened at Philadelphia, May 3, 1784. Together with the Institution, as altered and amended. Philadelphia, Printed by E. Oswald and D. Humphreys, at the Coffee-House. M,DCC,LXXXIV." 8vo. pp. 8.

² I have looked over several of the Philadelphia papers from May to September, 1784, and find no such publishment.

³ Gen. Gates held this place till 1787, when he was replaced by Gen. Mifflin. He seems to have filled no other office in either the General or the New York Society.

signifying his grateful acceptance of the office of Vice-President of the Society of the Cincinnati.

On motion, resolved: — That Monsieur D'Tarlie,¹ Intendent and second officer of the French auxiliary Army; and the Chevalier de la Meth,² Colonel by brevet; — also the Count de Sonnsvielle;³ — the Count la Touche;⁴ — the Count de Kergasien;⁵ — the Chevalier Ryguille; — the

^{1 &}quot;M. de Tarlé, aide Major-Général: sert de 1759, était capitaine dans le régiment de Bouillon: a rang de lieutenant colonel du 24 Mars, 1780: a servi avec distinction: est rempli de talens." (MS. Fr. Mil. Arch. — See Robin's Travels, 45.)

² "Chevalier de Lameth, aide maréchal général, des Logis, capitaine réformé est dans le régiment Royal de Cavalerie. Agé de 26 ans. Sous lieutenant du 29 Juillet, 1776. Rang de capitaine le 6, 9bre, 1779. Il a eu une blessure très grave à l'attaque (à Yorktown): il est à craindre qu'il n'en reste estropié; est plein du courage, et annonce des talens très distingués; est neveu de Monsieur le maréchal duc de Broglie. Il demande une place de Mestre-de-camp en second et la croix de St. Louis en quittant celle de Malte." (MS. Fr. Mil. Arch.) *** "A été fait aide maréchal générale des Logis surnumeraire au mois de Nov., 1782. C'est un officier distingué: obtient une pension de 1500." (Ib.)

³ Probably M. de Siouville, commanding "His Most Christian Majesty's packet-boat, the Warwick," which arrived at New York from Europe, May 3, 1784.

⁴ Louis René-Madelène Levassor de la Touche-Treville, who was capitaine de vaisseau on the Hermione, which brought out Lafayette in 1780. In 1782, he again came to America, with 3,000,000 francs for Congress. By these means, and by some spirited actions on the coast, his name was popular in this country. He died an Admiral in 1804.

⁵ Perhaps the same mentioned in MS. Fr. Mil. Arch. "Escadre de M. d'Estaing; Savannah. Etat Major. Gautier de Kerveguen, capitaine d'infanterie, aide maréchal générale des logis des troupes de débarquement. Entre au service en 1775 eu qualité d'Ingénieur de la Marine. Passé à St. Domingue comme aide de camp de M. d'Estaing, il y a fait le service d'Ingénieur depuis 1764–1766. Ingénieur géographe des camps en 1767 à été envoye en Corse jusqu'en 1769. Capitaine d'Infanterie avec appointement en 1769, à été employé sur les côtes et sur les frontieres jusqu'en 1777. Il a fait toute la campagne de M. d'Estaing et s'est

Chevalier du Quesne; 1—the Count de Trevalies; 2—the Chevalier Maulivriers;—the Chevalier de Vallonge;—the Count de Capelles; and Captains and Commanders of ships and frigates of the French Navy, who were employed on special service on the coast of America, and who are mentioned particularly by His Excellency, the Minister of France, are entitled by the spirit and intention of the Institution to become Members of the Society.

On particular application by letter from Lieutenant-Colonel de Bouchet,³ Resolved:—That 'tis the opinion of this General Meeting that Lieutenant-Colonel de Bouchet is entitled, from his service, to be a Member of the Society of the Cincinnati.

Several drafts of letters, viz.:—one to Chevalier de la Luzerne; one to Count Rochambeau; one to Count Barras;

trouvé à toutes les affaires sur terre qui ont eu lieu pendant les 21 mois de campagne de cette escadre. Il avait monté un des premiers à l'assaut du Morne de l'hopital de la Grenade, il a encore donné au siège de Savannah des preuves aussi utiles que multipliées de sa valeur."

¹ The Chevalier du Quesne arrived at Philadelphia, March 23, 1783, in command of the French frigate Triumph, with the proclamation of the suspension of hostilities. July 4, 1850, the Marquis du Quesne was admitted a member of the New York Cincinnati, in right of the late Marquis his father.

² Perhaps "M. de Trenovay, Capitaine. Lieutenant au Régiment de Foix en Janvier, 1757. Capitaine en Novembre, 1762: nommé major à Savannah par de d'Estaing à la fin d'Octobre, 1779." (MS. Fr. Mil. Arch.)

"Du Bouchet:—aide Major Général: sert de 1770: capitaine de 1779. Excellent sujet qui a servi avec valeur: est plein d'intelligence." (MS. Fr. Mil. Arch.) Probably the Marquis Denis-Jean-Florimond Langlois, who joined the Americans in 1776; served at Saratoga; and returned to France in 1783, well esteemed by both the American and French leaders. He received the Order of the Cincinnati; and in 1788, was made Colonel. In the Revolution he was a loyalist and an émigré; he died in 1826, aged 74, leaving a respectable literary reputation. (Biog. Univ.)

one to Count D'Estaing; and one to Marquis Lafayette, being read and approved, Ordered, that they be transcribed, signed, and forwarded by the President.

A draft of a letter to the Senior Land and Naval Officers and others, Members of the Society of the Cincinnati, being read, was approved; and is ordered to be transcribed, signed, and transmitted by the President.

From the General Meeting held in Philadelphia on the first Monday in May, 1784—To the Senior Land and Naval Officers and others, Members of the Society of the Cincinnati in France.

"GENTLEMEN;

"We, the Delegates of the Cincinnati, having judged it expedient to make several material alterations and amendments in our Institution, and having thought it our duty to communicate the reasons upon which we have acted, in a Circular Address to the State Societies, do now transmit for your information a transcript of that letter, together with a copy of the Institution as revised and amended.

"Conscious of having done what prudence and love of country dictated, we are persuaded you will be satisfied with the propriety of our conduct, when you are informed our decisions were influenced by a conviction that some things contained in our original system might eventually be productive of consequences which we had not foreseen, as well as by the current of sentiments which appeared to prevail among our fellow-citizens. Under these circumstances, we viewed it as no proof of magnanimity, to per-

¹ In the original MS., this letter is placed at the end of the Journal.

sist in any thing which might possibly be erroneous, or to counteract the opinion of Community, however founded.

"Nor were we displeased to find the jealous eye of Patriotism watching over those liberties which had been established by our common exertions; - especially as our countrymen appeared fully disposed to do justice to our intentions, and to apprehend no evils but such as might happen in process of time, after we, in whom they placed so much confidence, should have quitted the stage of human action: — and we flatter ourselves we felt not less interested in guarding against disastrous contingencies, in averting present or future political evils, than the most zealous of our compatriots. For us, then, it is enough that our benevolent purposes of relieving the unfortunate should not be frustrated; - that our Friendships should be as immutable as they are sincere; - and that you have received the tokens of them with such tender marks of sensibility. For you, Gentlemen, let it be sufficient that your merits and services are indelibly impressed upon the hearts of a whole Nation, and that your names and actions can never be lost in oblivion.

"Cherishing such sentiments, and reciprocating all your affections, we pray you will have the goodness to believe, that although nothing could have increased our friendship, yet by your alacrity in associating with us you have taken the most effectual measures for riveting more strongly those indissoluble ties."

"We have the honour, &c., &c."1

¹ This letter must have had a speedy passage, since on June 25, 1784, we find Lafayette writing to John Adams, enclosing him "the new-modelled regulations of the Cincinnati. My principles," goes on the Marquis,

The Committee for preparing the form of a diploma, reported and lay on the table the draft of a form, which being read and considered, was approved, and is as follows:

[&]quot;have ever been against heredity, and while I was in Europe disputing about it with a few friends, my letters to the assembly, and still more particularly to the president, made them sensible of my opinion upon that matter. Until heredity was given up, I forebore mentioning in Europe what sense I had expressed. But Mr. Jay being in Paris, I at once explained my conduct to him, and he appeared very well satisfied. * * * Whatever has been thought offensive, you see the Cincinnati have given it up. Now the new frame must be examined. In every circumstance, my dear Sir, depend upon it, you will find me what I have ever been, and perhaps with some éclat, a warm friend to the army, a still warmer advocate for the cause of liberty; but those two things, when the army is put to the proof, you will ever acknowledge to agree with each other." (VIII. Adams, 205.)

Major L'Enfant having produced his accompt for his Agency in France; — Ordered, that a draft be made on Gen. M'Dougal, Treasurer of this Society, for the sum of six hundred and thirty dollars, to be paid to Major L'Enfant as the balance of his accompt.

On motion, resolved; — That Major Turner and Captain Claypole be a committee to superintend and procure the engraving on the Copper Plate brought by Major L'Enfant from France, the written form of the diploma, as approved by the Meeting.¹

On motion, resolved;—That the thanks of this Meeting be presented to Major L'Enfant for his great care and attention in the execution of the business of this Society committed to him to be transacted in France.

Resolved, that a Committee of Three be appointed to revise and correct the proceedings of this Meeting, and to make out the Extracts necessary to be sent to the Society in France and to the several State Societies; — Members chosen, were Gen. Williams, Col. Trumball and Col. Heth.

Ordered, that the Committee for procuring the written form of the Diploma to be engraved on the Plate do, when the same is executed, deliver the Copper Plate into the hands of the Secretary or his Assistant, to be placed in the Archives of the Society.

Adjourned till to-morrow, 9 o'clock. Previous to this adjournment the matter of wearing the badge of our Order was agitated, as to time and place when it would

¹ It is probable that all the ornamental designs of the diploma were engraved upon the copper-plate in France, and that nothing but its words were inserted here. Impressions on vellum of the plate in either condition are before the editor.

be proper: and it appeared fully to be the sense of the Meeting that it should not be ostentatious and in common; and only on days of convention to commemorate the Institution, or when we were to attend the funeral of some deceased Member. Though no vote was called or taken (as it was thought improper so to do), yet this was understood to be a general sentiment, and meant for the government of every Member of the Cincinnati while residing in this country. In France, it is supposed that a different practice would prevail, and as the Bald Eagle is there held in high estimation, that it will generally be worn by Americans on their travels through that country:—at least, by all those who may be desirous of this distinction.

Tuesday, the 18th of May. Assembled agreeably to adjournment.²

¹ Though the badge is often seen in the portraits of the original members of the Society, the rule laid down here has generally been followed in every-day life. In Europe, however, the Order was, at least until the triumph of the French Revolution, constantly borne in public. Major L'Enfant in writing to the N. Y. Society, in 1786, acknowledges "La faveur que sa Majesté très Chrestienne a bien voulu nous accorder, en nous permettant de porter la marque de notre union dans son royaume, où nul autre ordre étrangère est tolleré. Le crédit dont nous jouissons dans les autres cours d'Europe, où nombre de nos frères, qui y sont les premieres en rang et en réputation, y font briller l'Aigle de Cincinnati," etc. (Proceedings of N. Y. Soc., 1786, p. 16.)

² Here the MS. terminates abruptly. The Meeting probably assembled on the 18th of May but to adjourn sine die.





TITSBURG IN 1790

THE

INSURRECTION

OF

THE YEAR 1794,

IN

THE WESTERN COUNTIES

o F

PENNSYLVANIA.

BY TOWNSEND WARD.

TO WHICH ARE APPENDED

GENERAL WILKINS'S

ACCOUNT OF THE GATHERING ON BRADDOCK'S FIELD.

AND

A MEMOIR ON THE INSURRECTION,
BY JAMES GALLATIN.

(117)



The Western Insurrection.

An Act of Congress of the 3d of March, 1791, imposed a duty upon spirits distilled within the United States; as an inland duty or impost, it was correctly styled an excise, although there was a disinclination to admit it to be one; and even so late as 1849, Wharton, in his State Trials, speaks of it as "branded" with that name.

The debates show that the question of taxation excited much attention in the Federal and State Conventions called to form and ratify the Constitution of the United States. In the New York Convention a motion was made, but not carried, to prohibit excise on any article of the growth or manufacture of the United States. From these debates, and from those in the first Congress, it seems that it was generally understood and expected that the right to establish an excise would not be exercised unless in case of urgent necessity. In April, 1789, Madison took occa-

¹ Elliot's Debates, vol. ii. pp. 331, 411.

^e Findley's History of the Insurrection, 43; and Speech of Randolph, in Gales & Seaton's Annals of 7th Congress, 1st Session, 1035.

sion to say in the House of Representatives, although the question was not then before it, "that an excise, in his opinion, would be received with indignation in some parts of the Union, and it is not for this Government to disgust any of its citizens if it can be avoided." And on the 21st of June, 1790, the first project of an excise was defeated.²

There had been, up to the time of the organization of the present government, so little experience, in this country, in sovereign legislation, that it was not to be expected that any system of revenue could have been devised, that would have been free from, perhaps, grave objection. In our day, although considerable progress has been made in developing more correct principles, there exists a great diversity of opinion on the subject among those who have maturely considered it. But about the period of the enactment of the law in question, taxation had, in Europe, come to be an absolute spoliation of all who had no voice in the affairs of the State, on the part of those in power. Thus, it has been said of France, that her industry was once fettered with "ten thousand taxes;" and that "one hundred thousand tax-gatherers" left little "to the peasant but eyes to weep with." 3 Imposts had there been multiplied without regard to system. The wants of government, and even much more than those wants, the clamorous demands of needy and importunate favourites, had obtained edicts and laws for the purpose, regardless of the consequences. Long before this, the Duke of Sully, min-

¹ G. & S., 1st Cong. 220.

² Ibid., 1644.

³ Bancroft, Hist. U. S. v. 25.

ister of Henry the Fourth, wrote, concerning his labours to reform the abuses of the Farmers-General: "I took my pen and resolved to make this immense calculation. I saw, with a horror which gave new force to my zeal, that for these thirty millions that were given to his Majesty, there were drawn from the purses of the subjects (I almost blush to declare it) one hundred and fifty millions." 1 It would almost appear that the plan of farming the revenue was but a step in advance of that simple oriental practice -the man of might to take what he pleased from whom he could. Scarcely less odious was that system of English excise, which, in 1626, when first attempted, by commission, "was judged by both houses (of Parliament) contrary to law;" and Sir Dudley Carleton, then Secretary of State, for only having named it in the House of Commons, "was interrupted, called to the bar, and nearly sent to the Tower." 2 At the same time, in "a letter from a Jesuit concerning the ensuing Parliament," it is said: "We are provident and careful that this mercenary Army of Two Thousand Horse, and Twenty thousand Foot, shall be taken on and in pay before the excise be settled. forming the Excise, the country is most likely to rise."3 In 1641, though only continued from month to month, it raised riots in London, when the excise-house was burnt, and it could only be enforced by a standing army. 4 Such was the opinion of its general unpopularity, that when in 1642 "aspersions were cast by malignant persons upon the

¹ Memoirs of Sully, Lond. 1856, ii. 109.

² Coxe's Account in Cobbett's Parliamentary History, viii. 1225.

³ Rushworth's Historical Collections, i. 476.

⁴ Coxe's Acc. Cobbett, viii. 1225.

House of Commons, that they intended to introduce excise, the House for its vindication therein did declare, that these rumours were false and scandalous, and that their authors should be apprehended and brought to condign punishment." Bishop Taylor viewed it as a matter of conscience, and said: "In the levying and imposing tribute, by the voice of most men, those things usually are excepted, which are spent in our personal necessities. Whatsoever is for negotiation, may pay, but not what is to be eaten and drunk. This tribute nevertheless is paid in Spain; for it is that which they call 'Alcavala;' and in Portugal, where it is called 'Sisa.' I suppose it is the same with the 'excise' in England and the Low Countries." 2 It was eloquently denounced by John Hampden, a grandson of the patriot, and a leader in the Commons, who said: "All we have will come to be exciseable; and it will be with us at length as it is at Amsterdam (to use the words of one who has lately written in that country), 'a dish of Fish with its sauce, before it be served up to the table, pays Excise thirty several times."3

When the plan of a general excise was proposed by the minister, in 1733, the whole nation was convulsed. "The excise scheme was given up entirely upon the grounds of the expediency of mild government; Sir Robert Walpole declaring, and to his immortal honour declaring, that though his opinion remained the same, he would not be the minister who should carry out any measure of this

¹ Commons Jour. 8, Oct. 1642.

² Jeremy Taylor's Rules of Conscience, book iii. chap. 2, Rule 9, vol. xiii. 419.

³ State Tracts. Cobbett V. Appendix vi. lxiii.

sort by force." The defeat of it was celebrated in London and various parts of the kingdom, as a great national victory. Bonfires were made, effigies burnt, cockades were generally worn, inscribed with the motto of "Liberty, Property, and no Excise;" the monument was illuminated, and every demonstration given of exuberant triumph and excessive joy. The University of Oxford continued their rejoicings for three days.²

At its maturity the excise system was pronounced by the report of a committee of Parliament, to be "pernicious to the manners of the people, repugnant to all good government, and threatening the destruction of that very revenue which it is its object to secure." 3 It was so cumbrous and undigested, as to bring Lord Thurlow to declare from the wool-sack, in the House of Lords, that the British Excise Statutes were "a heap of contradictions and absurdities, thrown together by some person who could write but could not read:"4 so harassing as to lead Sir William Blackstone to say, "that the rigour and arbitrary proceedings of excise laws seem hardly compatible with the temper of a free nation. For the frauds that might be committed in this branch of the revenue, unless a strict watch is kept, make it necessary, wherever it is established, to give the officers a power of entering and searching the houses of such as deal in exciseable commodities, at any hour of the day, and, in many cases, of the night likewise. From the first

¹ Smyth's Lectures on Modern History, ii. 216. ² Cobbett, ix. 4.

³ Revenue Committee's first Rep. Hamilton's Enquiry into the Principles of Taxation, 75.

⁴ Cobbett, xxviii. 660.

original to the present time, its very name has been odious to the people of England." Dr. Johnson, the English lexicographer, and author of "Taxation no Tyranny," in fact, defines it as—"A hateful tax levied upon commodities, and adjudged not by the common judges of property, but wretches hired by those to whom excise is paid." And he quotes as illustrations of the use of the word:

"Excise, with hundred rows of teeth, the shark exceeds,
And on all trades like Cassawar she feeds. A. MARVEL."

"Can hire large houses, and oppress the Poor
By farm'd Excise.

DRYDEN'S Juvenal, 3 Sat."

Some idea of what an excise system really is, may be gained from the remarks of Andrew Hamilton, Chief Commissioner of Excise in Scotland, in his Enquiry into the Principles of Taxation, published in 1790. Besides the Gauger of a Division, he says there was an officer of a higher class, the Supervisor of a District; and to make random and unexpected surveys, there was also a class called Coursing Officers, while in the still greater progress of smuggling, there were Watching Officers, whose busi-

¹ Blackstone's Com. book 1, c. 8.

One of the laws, for a time, contained a clause empowering even a reputed officer of excise to enter a house by night without warrant or presence of a constable. Another legalized an instrument of measurement which had been proved before a court, and admitted by its maker, to be faulty. (Cobbett, xxviii. 650, 655.) "In the digest of the Statute Laws of England, by Mr. Williams, the regulations, as to the land-tax, occupy eight pages and a half; those about excise, one hundred and forty-nine." (A Short History of the Nature and Consequences of Excise Laws, Phila. 1795, p. 7.)

² But perhaps erroneously. See Craftsman, vi. 286, where also these lines are ascribed to Marvel. His works do not contain them.

ness it was to remain day and night in the manufactories of particular traders, relieving one another by turns. "I have known ten such watchers on one distiller at a time; but this, I suppose, did not take place till every other attempt to secure the duties had failed." This author is likewise emphatic as to the demoralizing tendency of the English excise laws.

It is often urged that the people have a natural aversion to bear the expense of government; that all taxes are odious to them. So far from the truth is this common assertion, that its fallacy is displayed on every page of the history of man, in all the many and various governments that have been erected. The effort has been, not to evade the burden, but to devise a just and equal system for its apportionment. If anything is to be learned from history, it is that taxes are paid. comparatively few instances of recorded difficulty are, for the greater part, of contests between those who by an improper legislation have exempted themselves from, and those who, unquestioned, have been subjected to, the burden; and are only evidence that in this, as in everything else, there are general laws which are not to be violated. In the brief existence of the United States, the instances of a disposition on the part of the people to violate public faith have been very few; and the abhorrence with which that disposition has been viewed by the country at large, has been such as to warrant the belief that in future there will be few bold enough to incur the penalties of a deserved social and moral outlawry.

¹ Hamilton's Enquiry, 28, 29.

peculiar odium in which excise laws are held, is to be accounted for, not merely by the burden of the tax, nor even because of the domiciliary visits, repugnant as they are to personal independence, as well as to the spirit of British and American institutions;—to these are to be added the needless inquisitorial practices of the vulgar and insolent men who fill the inferior offices, and (as Hamilton, the author last named, exhibits) their collusion with the fraudulent manufacturer who is allowed to ply his illicit trade with impunity; while the officer, to shield such manufacturer, and at the same time to satisfy his superiors of his watchfulness, as well as to supply the law with victims, accuses the honest manufacturer, whose very innocence and ignorance of the arts of fraud thus expose him to risk and trouble.

To introduce the excise system among the people in America was impolitic, even on the single ground that their personal recollections and traditions led them to detest it. To convert grain into spirits was considered to be as clear a natural right as to convert grain into flour.\(^1\)

The small rewards of office allotted to the rank of exciseman, recruit it from a class held in little estimation; and it is an office to which antiquity lends none of the awe that surrounds those, even that of the constable, coeval with English history. Beyond all this, in their very nature such laws hold out a reward for their evasion; and their operation is to transform masses of industrious people into trained and systematic offenders and violators of the law.

¹ Penna. Archives, xi. 671. Petition of Inhabitants of Westmoreland, 1790.

The first Congress, in its address to the inhabitants of Canada, October, 1774, told that people, you are "subjected * * * to the Impositions of Excise, the horror of all free States; thus wresting your property from you by the most odious of Taxes, and laying open to insolent Tax-gatherers, Houses, the Scenes of domestic Peace and Comfort, and called the Castles of English subjects in the Books of their Law;" and the Legislature of Pennsylvania, in 1791, correctly and temperately expressed the well-founded conviction and policy of its constituents, when it instructed the federal senators to oppose the passage of that "excise established on principles subversive of peace, liberty, and the rights of the citizens." ²

It will thus be seen that the act of 1791 had considerable difficulties to encounter. The bill as originally reported, contained a provision for "prosecutions for fines, penalties, and forfeitures, and duties," being brought before "any justice of the peace, or court of any State of competent jurisdiction." These words were expunged by the Senate; and the whole section which had contained them, was stricken out of the bill by the House of Representatives.3 And thus the bill passed. "But a majority of the Southern and Western members, even before the bill was passed, proclaimed an organized agitation for its repeal; and hardly had the President's signature been obtained, before the measure was assailed violently from the country at large." 4 The debates, as preserved, do not exhibit a superior, if indeed an equal ability in the treatment of the

Journal of Cong., ed. 1777, i. 62. Jo

² Journal, 110, Jan. 22, 1791.

³ History of Congress, 353, 354.

⁴ Wharton's State Trials, 102.

subject, to that displayed by Hampden in the tract already cited. It is more thoroughly treated in the debates, 1790, on the Tobacco Act.¹ In all the discussions, is prominently exhibited the delusive view of those claiming to represent the landed interest, that it was just and politic to avoid taxation; as also the more elevated opinion of the opposition, that such exemption was injurious to the interests of the whole people, that of the landholders included.

The first meeting held in Western Pennsylvania, on the subject of the law, was on the 27th of July, 1791, at Red Stone Old Fort, now Brownsville.² It was attended, chiefly, by persons living in that neighbourhood. The objections to the law were explained; but at the same time, the constitutional authority of Congress to enact it was asserted. It was resolved to recommend to the electors of each election district of the four counties to meet on the third Tuesday of the ensuing August, and choose not more than three representatives; the aggregate of these representatives to form a

New York, January 24, 1857.

The Historical Society of Pennsylvania ought to protest against effacing historical names. In New York they have changed Fort Stanwix into Rome, giving up a name with a meaning for one that is absurdly inappropriate. In your State the name of Bushy Run, which seems to me one of the best that could have been chosen, and which carries with it most interesting associations, is, I am afraid, lost. Then you had Red Stone Old Fort, which is a picture of itself; and you have changed it to Brownsville. If I lived in the town, I would try to go back to the true name. If we proceed as we have done, we shall by and by have no historic names left.

Very Truly,

GEORGE BANCROFT.

TO TOWNSEND WARD.

¹ Cobbett, xxviii.

My DEAR SIR:

county committee. These county committees were to meet at their respective county towns on the fourth Tuesday, and select three members each, to form a general committee, which was to meet early in September, in Pittsburg; and there draw up and publish resolutions expressing the sense of their constituents on the subject of the excise law. If, in their opinion, necessary, they were to memorialize Congress on the subject. They were to prepare and communicate a circular letter and general address to the neighbouring counties in Pennsylvania, Virginia, and Kentucky, calling upon them for their exertions in a cause common to them all.

On the 23d of August the Washington county committee met, and adopted resolutions concerning the law, declaring that, "any person who has accepted, or may accept an office under Congress, in order to carry it into effect, shall be considered as inimical to the interest of the country; and it is recommended to the citizens of Washington county, to treat every person who has accepted, or who may accept hereafter, any such office, with contempt, and absolutely to refuse all kind of communication or intercourse with the officers, and to withhold from them all aid, support, or comfort."

The Pittsburg meeting took place on the following 7th of September. Not only was the excise law the subject of censure, but also, "the exorbitant salaries of officers, the unreasonable interest of the public debt, and the making no discrimination between the original holders of public securities and the transferees, contrary to the ideas of

¹ Brackenridge's Incidents of the Insurrection, iii. 17.

natural justice, in sanctioning an advantage which was not in the contemplation of the party himself to receive, and contrary to the principles of the municipal law of most nations, and ours particularly, the carrying into effect an unconscionable bargain where an undue advantage has been taken of the ignorance or necessity of another." If the charge of exorbitant salaries was not meant as an inflammatory argument to the vulgar, it was simply absurd; and the idea of the obligation to pay the public debt varying with its selling price, was not less so. It would not have been admitted by the advocates of this opinion, that, in accordance with "ideas of natural justice," the title to their farms was more or less perfect, as the sum paid for them happened to be much or little.

The first act of violence occurred on the 6th of September, 1791, and was to the person and property of Robert Johnson, Collector of the Revenue for the counties of Washington and Alleghany. A party of men, armed and disguised, waylaid him at a place on Pidgeon Creek, in Washington county, seized, tarred and feathered him, cut off his hair, and deprived him of his horse. Process was issued out of the District Court, at Philadelphia, against three persons said to be concerned in this affair. The marshal confided its service to a deputy, who, however, was deterred by the ferment among the people, as well as by personal threats, and most injudiciously sent the process under cover by a private messenger. This person was seized, whipped, and tarred and feathered; his money and horse were taken from him; and he was tied, blindfolded, in

¹ American Daily Advertiser, Sept. 30, 1791.

the woods. The next act of violence was committed on one Wilson, a man disordered in his intellect, and who fancied himself to be an exciseman. Passing himself off as such, he was seized, and tarred and feathered. This was followed by the like treatment of a person named Roseberry. Then some armed persons seized and carried off two men who were witnesses in the case of Wilson. About the same time an attempt was made, by a numerous party, armed and disguised, to seize the Inspector of the Revenue' himself in Washington. He had timely warning, and did not visit the place. These offences against the laws appear to have been confined to a comparatively small section of country—the north-eastern portion of Washington county.

"An Act to provide for calling forth the Militia to execute the Laws of the Union, to suppress insurrections, and repel invasions," became a law May 2d, 1792. That it

¹ It has been said that General Neville, in accepting the office of Inspector of the Revenue, after opposing an excise law of the State, and even, it is said, countenancing violence against an officer (a dishonest one by the way), became very unpopular, and that this unpopularity greatly aggravated the opposition to the excise law of the United States. This is really a weak ground; for, in the first place, it was his duty to change his opinion, if convinced of error, and there was a perfectly good reason for such change, in the matter of the Federal excise, as it was a part of the system by which the debts of the country were to be paid; and Neville, a generous helper in the hour of his country's need, would naturally welcome the means by which the ruined fortunes of his fellow-patriots might be restored. And in the second place, if the personal hostility to Neville had so much to do with the opposition to the law, the arguments against the policy and justice of it will necessarily lose some of their weight. Among a portion of the common people, General Neville appears to have been the mark of vulgar and sordid obloquy; to which was added all the violence and rancour of party feeling. There was very much said against him, but no one appears to have undertaken to prove anything, or even to say that he was oppressive, unjust, or partial in the administration of his office.

was passed in view of the feeling which existed with regard to the excise, would appear from the remarks of Mr. Clark, of New Jersey, who "said the motion from the gentleman of New York, went to call forth the military in case of any opposition to the excise law; so that if an old woman was to strike an excise officer with a broomstick, forsooth, the military is to be called out to suppress an insurrection. The Government, he observed, was in its infancy, and he saw no necessity for supposing that the people would at this early stage oppose the laws." The Secretary of the Treasury's report on the insurrection, made to the President, August 5, 1794, referring to a time prior to the Legislation, says, "The Legislature of the United States had not yet organized the means by which the Executive could come in aid of the Judiciary, when found incompetent to the execution of the laws." Sixty years before this, in a discussion upon the excise, it was likened to the Trojan horse: "We know what a general Excise is, and cannot be ignorant that it hath an Army in its belly."2

By the Act of Congress of May 8th, 1792, material alterations were made in the excise law. The duty was reduced to a more moderate rate, and the alternative given to the distiller to pay a monthly instead of a yearly rate, with liberty to take a license for the precise term for which he should intend to work, and to renew it for a further term. It was provided that an office of inspection should be established in each county. "Objections were well considered, and great pains taken to obviate all such as

¹ G. and S. 2d Cong. 575.

² Craftsman, x. 130.

had the semblance of reasonableness." Findley, however, says that when the Report of the Secretary of the Treasury on Distilled Spirits, March 5, 1792, was preparing, he, in an interview with that officer, lamented, and laid great stress upon the fact, that competent authority had not been vested in the State courts for the cognizance of offences, as the carrying people all the way to Philadelphia was obnoxious.² It certainly was oppressive.

In a letter to Hamilton, July 29, 1792, Washington, then in Virginia, wrote that, "he had endeavoured to learn from sensible and moderate men, known friends to the Government, the sentiments which are entertained of public measures. These all agree that the country is prosperous and happy; but they seem to be alarmed at that system of policy, and those interpretations of the Constitution which have taken place in Congress. Others, less friendly perhaps to the Government, and more disposed to arraign the conduct of its officers, (among whom may be classed my neighbour and quondam friend, Colonel M.) (George Mason,) go further, and enumerate a variety of matters, which, as well as I can recollect, may be adduced under the following heads;" one of which is; "Third. — That the calls for money have been no greater than we must generally expect, for the same or equivalent exigencies; yet we are already obliged to strain the impost till it produces clamour, and will produce evasion, and war on our citizens to collect it, and even to resort to an excise law, of odious character, with the people; partial in its opera-

¹ Secretary of the Treasurer's report on the Insurrection.

² Findley, 273, 274.

tion; unproductive unless enforced by arbitrary and vexatious means, and committing the authority of the Government, in parts where resistance is most probable, and coercion least practicable." ¹

On the 18th of August of the same year, Hamilton communicated to Washington his answer to these objec-He says: "The excise law, no doubt, is a good topic of declamation; but can it be doubted that it is an excellent and a very fit mean of revenue? * Other reasons co-operated in the minds of some able men to render an excise at an early period desirable. thought it well to lay hold of so valuable a resource of revenue before it was generally preoccupied by the State governments. They supposed it not amiss that the authority of the National Government should be visible in some branch of internal revenue, lest a total non-exercise of it should beget an impression that it was never to be exercised, and next, that a thing of the kind could not be introduced with a greater prospect of easy success than at a period when the government enjoyed the advantage of first impressions, when State factions to resist its authority were not yet matured, when so much aid was to be derived from the popularity and firmness of the actual Chief-Magistrate." In 1788, in the New York Convention for the adoption of the Federal Constitution, Hamilton said: "In every view, excises on domestic manufactures would benefit New York;" because of her commercial character.3

Such was the feeling that prevailed in Washington

¹ Sparks's Washington, x. 250.

² Hamilton's Works, iv. 231.

³ Elliott's Debates, ii. 369, 370.

county, on the subject of the law, that it was after much effort the Inspector of the Revenue succeeded in obtaining a house, that of a Captain Faulkner, to be used as an office for that county. This was not until August, 1792. Very soon afterwards Faulkner was waylaid in the same neighbourhood where Johnson had been ill-treated the preceding year. A knife was drawn on him. There were threats to scalp him, to tar and feather him, and to burn his property, if he did not promise to prevent the use of his house for an office. He made the promise, and gave public notice in the Pittsburg Gazette to that effect.

"A meeting of sundry inhabitants of the western counties of Pennsylvania" took place at Pittsburg, on the 21st of August, 1792. The preamble to the resolutions adopted

PITTSBURG, 31 Aug't, 1792.

DEAR SIR:

"I rec'd yours by to-day's post. I have seen by the paper a great many tickets published, and among others the one you mention from Montgomery county, which is a mighty ridiculous one.

The excise conference was held here at the time appointed - they did but little. In Pittsburg people would not join the meeting, and they broke up highly disgusted with us - they passed some resolves, the principal one was directed against the excise officers—they resolve for themselves and recommend it to the people to hold no kind of communication, nor have any connexion with the persons holding any office under that Law-they have appointed a committee to meet in Washington, to form a remonstrance to Congress next session. If the Secretary of the Treasury would pursue the plan he had in contemplation last year, that of supplying the army by means of a commissary, I would pledge my head on the success of collecting the excise. I am confident I could then lay down a mode in which there need be no change in the law, and yet they would be obliged to pay without any considerable difficulty. They have frightened Genl. Neville lately very much at Washington—he had advertised his office in that town, and was to attend on certain days, on the day he was to come the road was waylaid by a number of armed men, disguised, he heard of it and did not go-and a day or two ago, these came to the town of Washington, disguised thereat, suggested that the tax was unjust in itself and oppressive upon the poor; that internal taxes upon consumption must, in the end, destroy the liberties of every country in which they may be introduced; that the law in question would bring distress and ruin upon the western counties, because in that country there was little or no money, trade being carried on by barter. (Indeed, the spirits manufactured were used instead of money.) It was "thought our duty to persist in our remonstrances to Congress, and in every other legal measure that may obstruct the operation of the law, until we are able to obtain its total repeal; and upon all occasions to treat them (the excise-officers) with that contempt they deserve, and that it be and it is hereby most earnestly recommended to the people at large to follow the same line of conduct towards them."1

Seventeen persons were indicted for an assault upon Richmond, one of the "two men who were witnesses in the case of Wilson;" and, on their trial, at the September

as before, broke into the place where the office of inspection was kept, and made search for him in expectation of finding him there—it is hard to tell the lengths they might have gone had they found him.

There has been nothing done as yet about the election in this district, nor will there I think be anything considerable tried in it untill shortly before the election. Findley will run generally in this district, and I think you will be next to him. Woods, Scott and Smilie will all have their partizans, and consequently neither of them will run very high—the excise conference attempted nothing on the election, there had been so much said that the meeting was for that purpose that they never mentioned it.

Am your friend and Hum. Sert.

JNO. WILKINS, JR.

GENERAL WILLIAM IRVINE.

(MSS. Irvine Papers.)

¹ Am. Daily Ad., Sept. 1, 1792. Niles's Register, ii. 54.

session, 1792, of the State Court, at Pittsburg, the most of them were convicted and fined.¹

The President, on the 15th of September, 1792, issued a proclamation admonishing all persons to refrain from unlawful combinations tending to obstruct the operation of the excise laws. The assertion, that those laws were "dictated by weighty reasons of public exigency and policy," in Hamilton's draft of the proclamation, was erased by the President.² The Supervisor of the Revenue was sent from Philadelphia into the survey composed of the western counties, in order to obtain evidence as to the persons who were concerned in the riot in Faulkner's case. He was directed, also, to obtain evidence as to those who composed the Pittsburg meeting. But upon examining the proceedings of that meeting, the Attorney-General did not consider it proper to sanction a prosecution against those who composed it. His language was: "I must pronounce that the law will not reach the conferees."3

At a Circuit Court of the United States, held at York, October, 1792, prosecutions were commenced against some persons believed to have been engaged in the attack on Faulkner. But it appeared afterwards, upon satisfactory testimony, that there had been a mistake as to the individuals accused, and the matter was dropped.⁴ The necessity for the trial of offences in the vicinity of the place where they were committed, having become apparent, an Act of Congress, March 2d, 1793, authorized special ses-

¹ Brackenridge, iii. 24.
² Hamilton's Works, iv. 314, 315.

³ Randolph to Hamilton. Hamilton's Works, iv. 288.

⁴ Secretary's Report on the Insurrection.

sions of the Circuit Court to be held for the trial of criminal offences at any convenient place within the district. No steps, however, were taken under this act.

A few months before this act was passed, sometime in the autumn of 1792, the following plan was digested, and afterwards put in execution, "for carrying, if possible, the laws into effect, without the necessity of recurring to force."

"1. To prosecute delinquents in the cases in which it could clearly be done for non-compliance with the laws. 2. To intercept the markets for the surplus produce of the distilleries of the non-complying counties, by seizing the spirits in their way to those markets, in places where it could be effected without opposition. 3. By purchases, through agents, for the use of the army (instead of deriving the supply through contractors, as formerly), confining them to spirits in respect to which there had been a compliance with the laws." One of the results of this plan was the "furnishing, through the means of payments in cash, that medium for paying the duties, the want of which was alleged to be a great difficulty in the way of compliance." It had been the custom of the contractors to pay for the purchases they made, not with money, but with goods.2

In April, 1793, an armed party visited the house of Wells, a revenue officer, who resided in Fayette county, but did not find him at home. They broke open the house, and threatened the family. On the night of the 22d of November, the house of Wells was again attacked. He was obliged to surrender his commission and books,

¹ Secretary's Report on the Insurrection.

² Judge Addison's Charges, 107, Sept. 1794.

and required to publish a resignation of his office, on pain of having his house burned. In January, 1794, the barn of William Richmond, who had given information against some of the rioters in the affair of Wilson, and that of Robert Shawhan, a distiller, who had been among the first to comply with the law, were consumed by fire. Both were situated in Allegheny county. "But in neither of these cases," says the Secretary, "though the presumption was violent, was any positive proof obtained." In February, persons living near the dividing line of Washington and Allegheny counties, appear to have threatened to tar and feather one William Cochran, a complying distiller, and to burn his distillery. It was reported to have been said that in three weeks there would not be in Allegheny county a house standing of any person who had complied with the law; in consequence of this, the Inspector visited that quarter, as well to ascertain the truth of the information as to endeavour to avert the attempt to execute such threats. On his return home some disorderly persons followed, threatening, as they went along, vengeance against him. On their way these men called at the house of James Kiddoe, who had recently complied with the laws, broke into his still-house, fired several balls under his still, and scattered fire over and about the house. Letters from the Inspector, in March, announced frequent meetings on the subject of opposition to the law; and also gave information of a plan for collecting a force to seize him, and detain him prisoner.

The Mingo Creek Society was instituted February 28th, 1794. It consisted of Hamilton's battalion, and was

governed by a President and Council. "A councilman to be of the age of twenty-five years; and shall not, when elected, be an inhabitant of that district in which he shall be chosen. The President, Council, and Deputies, for any speech or debate in the Society, not to be questioned in any other place. * A minority to have the power to adjourn, and to compel the attendance of the absent members. * * * To have power to recommend capable persons to the several legislative To hear and determine all matters in variance, and disputes between party and party. * No district citizen to sue, or cause to be sued before a single justice of the peace, or any court of justice, a citizen of the district, before applying to the Society for redress, unless the business will not admit of delay. * * * cretary and Deputies to be rewarded at the discretion of the Society." 1

"A great proportion of the Mingo Creek regiment of militia became members of it. * * It was frequently attended by three hundred persons. The rules of this institution, and the various powers which it is reported to have exercised, imitated the language and assumed the forms of regularly constituted authority. This association never was announced in the newspapers, and its existence was known to but few." In the month of April of the same year, 1794, a similar society was organized in a part of Alleghany county. On the 15th of that month it proposed a constitution for a "republic, or society, in each colonel's district, throughout the four counties." 3

¹ Brackenridge, iii. 148, 149. ² Findley, 56, 57. ³ Brackenridge, iii. 26.

It is not, however, to be supposed, from these disturbances and combinations, that the authority of the courts was set aside; for not only had the rioters in the attack on Richmond been convicted of the offence, in 1792, by a jury of Alleghany county, but, several years previous, in 1785; bills of indictment having been found against twelve of the rioters in an attack on Graham, the State excise officer, they were convicted by a jury of Washington county, and were fined by the court.1 "The first ill-treatment given to an exciseman under the Federal law was in Chester county; but the rioters were convicted, and punished severely by the State courts. On that occasion, the foreman of the jury told the Attorney-General that he was as much, or more, opposed to the excise law than the rioters, but would not suffer violations of the laws to go unpunished."2

It would appear that at length Congress took into consideration the "hardship in being summoned to answer for penalties in the courts of the United States at a distance from the vicinage," "one of the principal complaints" of the western people, as by an Act of June 5, 1794, there was given to the State courts a concurrent cognizance of all infringements of the excise law. This act also made further alterations in the system. There has, however, been gathered around the action of the government, not in pursuance of, and in accordance with, this law, but in proceedings initiated prior to its enactment,

¹ Brackenridge, iii. 2.

² Findley, 40; also Hamilton's Works, iv. 307.

³ Commissioners to offer an Amnesty, Report to the President, Sept. 24, 1794. G. & S. 4th Cong. 2d Sess. 2803, 2804.

and executed subsequent to its approval, an amount of obscurity and error rarely to be met with in our annals. But before entering into an examination of this matter, it seems proper further to pass in review the means that then existed to judge of the disposition, even to this day questioned, of the people of Western Pennsylvania to submit to law, and to bear their share of the support of government.

An event which occurred in 1782 doubtless had considerable weight in the formation of the opinion held by the authorities, of the character of the population of the western border of Pennsylvania. It would appear that even previous to the affair about to be related, an opinion prevailed that they were not a law-abiding people. In 1768, concerning the encroachments on the territory of the Six Nations by the people settled on the Monongahela and Youghiogeny, the Commissioners on behalf of the Province write of "any of those inconsiderate people, still actuated by a lawless and obstinate spirit, to bid defiance to the civil authority." And on the 26th of May, 1779, the Colonel commanding the western district wrote from Pittsburg: "I find the genius of the people here much the same as in other districts, only the laws are not so strictly attended to, and the cursed spirit of monopoly, forestalling, and speculation is too prevalent." 2 General Irvine, who succeeded Brodhead, wrote to the President of the Supreme Executive Council, Dec. 3, 1781: "I have no reason as yet to complain of the people for the refrac-

¹ Early Hist. of West. Penna. App. 200, 201.

² MSS. American Philosophical Society. Brodhead to Genl. Greene.

tory, ungovernable loose manners generally ascribed to them—I can assure you, sir, my pity for their situation is rather excited, than wrath or indignation kindled." It would be as wrong now, as it was then, to include the body of the population in a censure that was deserved by but a portion of it; yet the singular atrocity of the act which stains our annals deserves the freest exposure, and the most emphatic condemnation.

In March, 1782, about one hundred and sixty militiamen living upon the Monongahela set off on horseback to the Muskingum, in order to destroy three Moravian Indian settlements. Coming nigh to one of these towns, they discovered Indians on both sides of the river. The assailants divided themselves into two parties, one of which crossed the river, and seeing an Indian coming towards them, they fired upon him, breaking his arm. His telling them that he was the son of a white Christian man did not save him from a death by their tomahawks. The other Indians were made prisoners: they informed their captors that they were Christians, and offered no resist-They were told that they must go as prisoners to Pittsburg, at which they seemed much rejoiced. They gave up all their property, even pointing out where some of it was concealed for safe keeping.

In the evening a council was held, when the commander of the expedition, David Williamson, told his men that he would leave it to them, either to carry the Indians as prisoners to Pittsburg, or to kill them. A majority agreed that they should be killed. The minority, some sixteen or

¹ Penna. Archives, ix. 459.

eighteen in number, who were of a different opinion, wrung their hands, calling God to witness that they were innocent of the blood of these harmless Christian people. Of the savage resolution concerning them, notice was given to the Indians by two messengers, telling them that as they said they were Christians, they should have time that night to prepare themselves to die. Whereupon the women and children met together and sang hymns and psalms all night, as did, also, the men; and they continued thus singing as long as there were three alive.

In the morning, March the 8th, the participants in the massacre chose two houses (one for the women and children, the other for the men), which they called slaughter-houses, into which they dragged their victims two and three at a time, with ropes about their necks, and felled them to the ground. One person, with a cooper's mallet, killed fourteen. The two buildings were then fired, as were all the other houses. Of ninety-six persons who patiently met this cruel death, sixty-two were men and women, and thirty-four were children. "This done, the party visited the other towns, fired the houses, took their plunder, and returned to the Monongahela, where they kept a vendue among themselves." "About eighty horses fell into their hands, which they loaded with the plunder, the greater part furs and skins." 2

There can be no doubt that this raid was instigated solely by the hope of spoil, and the lust for it excited by

¹ Pa. Arch. ix. 524; see also Loskiel's Indian Missions; Hockewelder's Narrative; do. Life.

² Pennsylvania Gazette, April 17, 1782.

the success of a military expedition, in the preceding spring, under Colonel Brodhead, against the hostile Indians. On that occasion, "the plunder brought in by the troops, sold for about eighty thousand pounds at Fort Henry."

The Supreme Executive Council, at the desire of Congress, requested General Irvine, April 13, 1782, to obtain and transmit to them the facts relative to the above matter.2 On the 9th of May, Irvine wrote, in reply, to William Moore, President of the Council, that, "since my letter of the 3d inst. to your Excellency, Mr. Pentecost and Mr. Cannon have been with me; they, and every intelligent person whom I have conversed with on the subject, are of opinion, that it will be almost impossible even to obtain a just account of the conduct of the militia at Muskingum. No man can give any account except some of the party themselves, if, therefore, an inquiry should appear serious, they are not obliged, nor will they give evidence; for this and other reasons, I am of opinion, further inquiry into this matter will not only be fruitless, but in the end may be attended with disagreeable consequences."3

Dorsey Pentecost also wrote to Moore, on the 8th, and again on the 9th of May. He says, he believes they

¹ Pa. Arch. ix. 524. Brodhead to Reed. In this letter Brodhead says, his "troops experienced great kindness from the Moravian Indians." Notwithstanding this kindness, "a part of the militia had resolved on going up the river to destroy the Moravian villages, but were prevented by General Brodhead and Colonel Shepherd of Wheeling." It was on this expedition that Wetzel came up behind and killed a chief who had come to treat with Brodhead, and was then conversing with him. The militia killed about twenty prisoners who had been committed to their care. Kercheval and Doddridge, 310, 311.

² Pa. Arch. ix. 523, 524.

³ Craig's Pittsburg, 177.

"killed rather deliberately the innocent with the guilty;" that an "investigation may produce serious effects, and at least leave us as Ignorant as when we begon, and instead of rendering a service, may produce a Confusion, and Illwill amongst the people, yet I think it necessary that Council should take some Cognizance or notice of the matter, and in such Time as may demonstrate their disapprobation of such parts of their conduct as are Censorable, otherwise, it may be alleged that Governt (Tacilty at least) have Incouraged the killing of women and children." He thinks it would be well, "in a proclamation, not only to recommend, but to forbid that in future excursions, that women, children, and infirm persons, should not be killed." he closes with a "hope that a mode of proceeding something like this would produce some good Effects, and perhaps soften the minds of the people, for it is really no wonder, that those who have lost all that is near and Dear to them, go out with determined revenge, and Externation of all Indians "1

In marked contrast with this mildness of language, in regard to the murder of nearly one hundred helpless human beings, is a letter from the same person, April 16, 1786, about another violation of law, where a mob had taken his commission from Graham, the State excise officer, cut the hair from one side of his head, and carried him, without further injury, except threats, to Westmoreland county, where they released him. As to this, he says, "I have thought it my duty as a good Citizen, to give your Honourable Board information of this matchless and daring Insult

¹ Pa. Arch. ix. 540, 541, 542.

offered to Government, and the necessity there is for a speedy and Exemplary punishment being inflicted on those atrocious offenders, for if this piece of conduct is lightly looked over, no Civil officer will be safe in the exercise of his duty, though some gentlemen with whom I have conversed, think it would be best, and wish a mild prosecution, for my part, I am of a different opinion, for it certainly is the most audacious and accomplished piece of outrgious and unprovoked Insult that was ever offered to a government and the liberties of a Free people, and what in my opinion greatly aggrivates their Guilt is, that it was not done in a Gust of Passion, but cooly, deliberately, and Prosecuted from day to day, and there appears such a desolute, refractory spirit, to pervade a certain class of People here, particularly those concerned in the above Job, that demands the attention of Government, and the most Severe punishment."1

Edward Cook differed entirely from the views of the

¹ Pa. Arch. x. 757.

In 1783 Pentecost was a member of the Supreme Executive Council of the State; and probably one of that class which Brackenridge, in his Modern Chivalry, so admirably satirizes. As there was a difficulty between them, one of the pictures given may be of him. (Pa. Arch. ix. 572, 661.) Teague O'Regan, to prevent whom being sent to Congress or put in office, involved his master in such ludicrous trouble, surely could not have displayed more inconsistency, or proved a more faithful misrepresentative. Chief Justice Gibson said, that Brackenridge emulated not without success the originality and purity of Swift (Coll. Hist. Soc. Pa. 349); and Dr. Carnahan, President of Princeton College, speaks of his work as "a book second in genuine humour only to its great prototype, Don Quixote de la Mancha." (Proceedings, N. J. Hist. Soc. vi. 123.) These gentlemen were well acquainted with Western Pennsylvania, and their estimation of Modern Chivalry gives it a high value among the works to be examined on the subject of the Insurrection.

writer above-named as to the expedition to the Muskingum. In a letter to President Moore, September 2d, 1782, he says: "I am informed that you have it reported, that the massacre of the Moravian Indians Obtain the approbation of Every man on this side of the Mountains, which I assure your Excellency is false, that the Better Part of the community are of Opinion the Perpetrators of that wicked Deed ought to be brought to Condein Punishment, that without something is Done by Government in the Matter, it will Disgrace the Annals of the United States."

A careful search fails to discover, either in the Pennsylvania Archives, or in accessible manuscript letters, a single other instance of testimony borne against this wholesale murder of a friendly people. There appears, on the contrary, the fear that exists in a "reign of terror;" a fear that led General Irvine to write to his wife, "Whatever your private opinion of these matters may be, I conjure you by all the ties of affection, and as you value my reputation, that you will keep your mind to yourself, and that you will not express any sentiment for or against these deeds" (the massacre at Muskingum). In the same letter he relates that "a party of militia attacked some friendly Indians, who were not only under our protection, but several actually had commissions in our service — at the very nose of the garrison, on a small Island in the river of whom they killed several, and also made prisoners of a Guard of Continental Troops — and sent Colonel Gibson a message that they would also scalp him. A thousand lies are propagated all over the country against him, poor

¹ Pa. Arch. ix. 629.

fellow. I am informed, the whole is occasioned by his unhappy connexion with a certain Tribe - which leads people to imagine for this reason, that he has an attachment to Indians in general." And while the demands for protection against the Indians were loud, long, and constant, on the part of the inhabitants, it is also found "that everything is done by them people that they think will Promote Confusion and Disorder. I never can hear that one man is gone from that Quarter for the Defence of the Frontier. Those that were Draughted for the Defence this month have chiefly turned out volunteers on this (the Muskingum) Expedition." 2 "It is clear the inhabitants of your country are found of indulgence and much expence on their behalf, will surely satisfy them, but they are unwilling to comply with the most necessary orders of the commanding officer of this department, therefore it may not be improper to inform you and them, that I shall pay much less regard to a people so much averse to serving themselves, much less their coun-"Parties and prejudice run so high in this (Washington) county that I find it exceedingly diffi-

¹ Irvine Papers; MSS. collection of Mr. Henry C. Baird. Irvine to Mrs. Irvine. The latter part of this extract, no doubt, relates to Colonel Gibson's living, as he did for several years, with an Indian woman, who, like Pocahontas, impelled by love, had saved him from a cruel death at the hands of her tribe. He subsequently left her, and, marrying, became the father of John Bannister Gibson, Chief Justice of Pennsylvania. The first love was constant in her feelings, and years afterwards, spoke of Colonel Gibson with great affection. Rea's Incidents, printed in a Beaver Newspaper.

² MS. Edward Cook, Lieutenant of Westmoreland county, to Gen. Irvine, 26th May, 1782.

³ Pa. Arch. xii. 122. Col. Brodhead to Col. Lochry, May 31, 1779.

cult to keep things in any moderate bounds."1 "There has been many meetings in this county respecting taxes, 'tis said, and I fear with truth, that a great majority of the people are determined not to pay in any mode; 'tis also said that they are advised to this by some of the first people of the country." 2 "For they are well assured that the Running of the Line (between Virginia and Pennsylvania) will be a prelude to the Taxes which they have a most sovereign aversion to." 3 "I understand few or none of the class ordered on duty with Col. Crook is gone out, but that they are associating to oppose taxation and prevent the Sheriff collecting any more Delingt, fines in that quarter. They have caused some of their officers to resign their commissions, and threatened those who continue to act, with tarring and Feathering, if they call upon them for any more militia duty. Indeed every day new difficulties arises in Calling out the Militia of this county and those who do turn out behave so exceedingly ill that I am many times put to a stand to know what to do." 4 In the same letter the writer speaks of the destruction of Hannastown, of which he had just heard; and says: "The general and common opinion of the people of this country is, that all Continental officers are too fond of Indians."

¹ Pa. Arch. ix. 646. Thomas Scott to President Moore, October 4, 1782.

² Pa. Arch. ix. 575. Genl. Irvine to President Moore, July 5, 1782. Findley, p. 296, however, says: "By the records of the State Treasury, it will appear that notwithstanding the almost ceaseless distresses of the western counties, some of them have always been the foremost in paying their State taxes of any counties in the Commonwealth."

³ MS. Edward Cook to Gen. Irvine, 10th June, 1782.

⁴ MS. James Marshall, Lieutenant of Washington county, to Genl. Irvine, July 17, 1782.

The immediate consequences of the Muskingum massacre may be briefly told. In June, 1782, about four hundred and eighty men, under Col. Crawford, made an expedition to the Sandusky. "One of its objects was that of finishing the work of murder and plunder with the Christian Indians at their new establishment on the Sandusky. The next object was that of destroying the Wyandot towns on the same river. It was the resolution of all those concerned in this expedition, not to spare the life of any Indians that might fall into their hands, whether friends or foes." It ended disastrously, for they met a foe whom they had taught to show no mercy. On the 5th of July, Irvine wrote to Moore: "This moment Doctor Knight has arrived, the surgeon I sent with the volunteers to Sandusky; he was several days in the hands of the Indians, but fortunately made his escape from his keeper, who was conducting him to another settlement to be bound. He brings the disagreeable account, that Colonel Crawford and all the rest (about twelve to the Doctor's knowledge) who fell into his hands, were burned to death in a most shocking manner; the unfortunate Colonel in particular, was upwards of four hours burning. The reason they assign for this uncommon Barbarity, is retaliation for the Moravian affair. The Doctor adds, that he understood those people had laid aside their Religious principles, and have gone to War; that he saw two of them bring in scalps who he formerly knew." 2 In the following month the Indians penetrated to the centre of Westmoreland county, destroyed Hannastown on the 14th, and killed and

¹ Doddridge, 291, 292.

² Pa. Arch. ix. 575, 576.

took prisoners about twenty of the inhabitants. "As for the country rousing and following them I am afraid we need not put any dependence on, as several parties some of thirty others of fifty would come in a Sunday and Monday last and stay about one hour and pitty our situation and push home again." "There never was so much talk of an expedition as at this moment—and I am sure it will end like the rest, all talk. * * I will not go into the Indian country without a sufficiency of regular Troops, which I really have not got. But I must talk of it,—prepare for it, etc. etc. or it would not do here—It is the most unaccountable country and Inhabitants in the world."²

In 1783, the Rev. James Finley, of Chester county, was appointed by the Supreme Executive Council to endeavour

¹ MS. Michael Huffnagle to Gen. Irvine, July 17, 1782.

² MS. Irvine to Mrs. Irvine, Sept. 10, 1782.

[&]quot;I have ever had a favourable opinion of the Indians. They are accused of eruelty, but I have been told by many of the commissioners that were employed to treat with them, that when accused of any act of cruelty, they would tell of some act of cruelty committed by the whites that occasioned it. Mr. Maclay, one of the commissioners, told me that when he mentioned to one of the chiefs his cruelty in burning Col. Crawford - 'Why, yes,' the chief said, 'that was very cruel. But,' says he, 'a party of those people came to the town where I lived, when all the men were away hunting, they drove my wife and nine children into my house and burnt them. This was cruel too.' Would not the mildest Christians have tortured wretches guilty of such a crime? I believe in this business Col. Crawford was not concerned. My brother Edward, who had been a considerable time among the Indians, had a very good opinion of them. When they promise you their protection they will suffer any death to prevent your being injured. My brother, when in the army, was sent on an expedition with an Indian warrior; he was dressed and painted as an Indian. They were one day in danger of falling into the hands of the enemy; the chief told him, with every token of regard, not to be the least uneasy about being tortured, 'for the moment you are taken I will tomahawk you." (MS. of Charles Biddle, Vice-President of Pennsylvania.)

"to bring those deluded citizens in ye western counties to a proper sense of their duty, who seemed disposed to separate from ye Commonwealth of Pennsylvania, and erect a New and Independent state." ¹

Such was the ill-regulated conduct of the settlers towards those in authority, and such their impolitic course towards the Indian. But it is to be remembered that the period was at the close of a war, and the scene on the verge of the forest; and there is also to be taken into consideration the disputed boundary between Virginia and Pennsylvania. These difficulties of a frontier, yet unused to peace, and of a jurisdiction in some degree uncertain, may modify opinion respecting the disposition of the inhabitants, but it is clear that had amicable relations been maintained. and cultivated with such of the Indians as were friendly and well affected, the number of that formidable enemy, and their ability to disturb the settlements, would, unquestionably, have been less; and that comparative, if not entire security from their depredations, would have been enjoyed, had the public opinion of the people of Western Pennsylvania discountenanced all independent acts of aggression.

While the resolutions of the public meetings of the period when the excise was imposed upon the Western people, show an improvement in tone, and in sense of duty, over the expressions of popular feeling some years further back, they were yet of such a character as to impress the authorities with a conviction, that there still remained an indisposition to submit to the law. But as the distinction

¹ Pa. Arch. x. 40, 163.

of good and evil applies to laws, as well as to every thing else, the ill resulting from bad laws is not to be charged alone upon the people whom they injuriously affect, else the authors of such laws would be irresponsible.

An Act of Congress of June 5th, 1794, "laying certain duties upon snuff and refined sugar," as it extended the excise, elicited an earnest discussion on its consideration by the House of Representatives, in the month of May of that year. As had, also, previously been the case, the question assumed a sectional character. Doubtless, the exhibition of an intention to extend the excise to new objects, had an effect to strengthen the opposition to the system; 1 and that reasonable opposition was improperly denounced as connected with the wild vagaries of those who had become infected with the doctrines of the French Jacobins. In August, 1794, the Secretary of the Treasury, under the signature of Tully, said: "An Excise has too long been the successful watchword of party." A century before this, Hampden on this subject wrote: "Men do not care for being thought disaffected to Government, as it is always thrown in their dish, if they offer at diminishing any Revenue that has been given, and are not as forward as other people to gratify the crown and the ministers in all their expectations." The political fanaticism which had been imported from France, and the system of excise, imported from England "at the very moment when every other State in Europe is convinced of its pernicious con-

¹ A Short History, etc.

² Hamilton's Works, vii. 165.

³ Cobbett, v. App. vi. lx.

sequence;" were equally repugnant to the character of the American people and to their institutions; and, happily, are now known only from history.

A material point in the history of the Western Insurrection appears to be involved in the issue of the writs, on the service of the last of which occurred the outbreak that resulted in the destruction of the Inspector's house; which event was soon followed by the assemblage of a large armed force at Braddock's Field.

In the House of Representatives, February 7, 1794, a committee was appointed to report "if any, and what further legislative provisions may be necessary for the securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas." 2 April 4th, a bill containing the further provisions was presented, and read twice; 3 and on the 24th of May it was "read the third time and passed." 4 On the 30th of May it passed the Senate, with amendments, on third reading.⁵ On the following day, May 31st, the House appointed managers for a conference,6 as did also the Senate.7 June 3d, proceedings were had in each House, and by message from each to the other an agreement was effected.8 The bill was approved by the President on the 5th of June.9 It does not appear that the yeas and nays were called in either House, or that any opposition was made. The act

¹ Cobbett, xxviii. 684; Speech of Col. Fullarton.

² G. and S. 3d Congress, 437.

³ Ibid. 560.

⁴ Ibid. 720.

⁵ Ibid. 113.

⁶ Ibid. 742.

⁷ Ibid. 115.

⁸ Ibid. 118, 758.

⁹ Ibid. 1457.

is to be considered, as it was claimed to be, a measure of the Treasury department of the administration.

The 9th Section of this act is as follows: "That it shall and may be lawful for the Judicial Courts of the several States, and of the Territory of the United States Northwest of the river Ohio, and of the Territory of the United States South of the river Ohio, to take cognizance of all and every suit and suits, action and actions, cause and causes, arising under or out of the laws for collecting a revenue upon spirits distilled in the United States, and upon stills, which may arise or accrue at a greater distance than fifty miles from the nearest place established by law for holding a District Court." ²

During the progress of this bill through Congress, process was issued out of the District Court of the United States, at Philadelphia, against the large number of seventy-five non-complying distillers, fifty of whom were in the counties of Bedford, Fayette, Westmoreland, Washington, and Allegheny. All the writs bear date of the 13th of May; they are entered in the Docket, "Issued 31 May, 1794." In the month of July, the Marshal proceeded to serve those directed against residents in the western counties, which he satisfactorily effected, until "it was in serving the remaining process, in the county of Alleghany, on the verge of the Mingo Creek settlement, that the opposition broke out into actual hostility. The Marshal had served several writs in a single neighbourhood, in the course of one morning. Those on whom he had served the first, had collected and pursued him, while he was serving the

¹ Sec. Trea. Rep. Aug. 5, 1794.

² G. and S. 3d Cong. 1459.

last." "The Mingo Creek Society was not actively concerned in many of the outrages preceding the insurrection, yet various concurring circumstances render it more than probable, that that unfortunate event was principally to be ascribed to its instrumentality." The "remaining writ" was as follows; and on the service of it and the others in the region of the Mingo Creek settlements arose the outbreak when the Inspector's house was destroyed, and the Marshal taken prisoner.

UNITED STATES,
PENNSYLVANIA DISTRICT.

Ss.

The President of the United States, to William Miller late of the Township of ——— in the county of Alleghany, yeoman, Greeting, - We command you, that setting aside all manner of business and excuses, you be and appear in your proper person, before the Judge of the District Court of the United States in and for the Pennsylvania District, at a session of the same court, to be holden at Philadelphia, on the twelfth day of August next, to answer to us of and concerning an information in the said court, against you lately exhibited, for that you on the last day of May now last past, and from thence until the first day of July now last past, kept a still within the county of Alleghany for the distillation of spirits, not having made entry of the said still, between the said last day of May and the said last day of July, in the office of inspection in and for the said county of Alleghany - contrary to the acts of the Congress of the United States in

¹ Brackenridge, iii. 26.

² Findley, 57.

such case made and provided; whereby, and by reason of the said acts of the Congress of the United States, you have forfeited to the United States of America the sum of two hundred and fifty dollars; and also to answer to such things which to you, by reason of the premises, then and there shall be objected, and further to do and receive what the said court shall consider of you in this behalf. And this you are in no wise to omit, under the penalty of four hundred dollars. Witness the Honorable Richard Peters, Esquire, Judge of the District Court aforesaid, at Philadelphia, this thirteenth day of May in the eighteenth year of the Independence of the said United States.

Samuel Caldwell.
Dist. Ct.

This writ, with the others, is yet on file, in the office of the District Court of the United States for the Eastern District of Pennsylvania, at Philadelphia, and is endorsed, "No. 71. Dist. Ct. Augt. 1794. The United States vs. William Miller, Subpœna for Information, Rawle for U. S. Served; so answers D. Lenox, Marshal." The Docket entry is as follows:

"August Session, 1794.

Rawle, 71, The same (United States)

Sur Information — Subpœna Issued, 31 May, 1794.

William Miller.

Allegheny coy.

1794, Aug. Sess. returned served. Oct. 21, Attachment post subpœna issued.

1795, Feby 14, Discontinued by order of Dist. Atty.

The informations are not to be found in the well-kept office of the Court, nor does the Minute Book contain, as is now customary, an entry of their being filed.

These writs, then, were issued out of the Federal court at a time when the administration had apparently determined that in future such suits should be tried in the State courts, and while a bill to that effect was actually pending. The docket entry is of the very day—May 31st -on which both Houses of Congress took almost their final action on that measure. Hence the implication which, as Marshall, Hildreth, and other writers have thought, is conveyed by the order and the matter of the following paragraphs (contained in the report to the President, made by the Secretary of the Treasury, August 5, 1794), that the suits were in consequence of, and in accordance with, the provisions of the Act of June 5, 1794, is not confirmed by the journals of Congress and the record of the court, which show the contrary.

"In the session of Congress which began in December, 1793, a bill for making the amendments in the law, which had been for some time desired, was brought in, and on the 5th of June last, became a law.

"It is not to be doubted that the different stages of this business were regularly notified to the malcontents, and that a conviction of the tendency of the amendments contemplated to effectuate the execution of the law, had matured the resolution to bring matters to a violent crisis.

"The increasing energy of the opposition rendered it indispensable to meet the evil with proportional decision. The idea of giving time for the law to extend itself, in scenes where the dissatisfaction with it was the result, not of an improper spirit, but of causes which were of a nature to yield to reason and experience (which had con-

stantly weighed in the estimate of the measures proper to be pursued), had had its effect, in an extensive degree. The experiment, too, had been long enough tried to ascertain that, where resistance continued, the root of the evil lay deep, and required measures of greater efficacy than had been pursued. The laws had undergone repeated revisions of the legislative representatives of the Union, and had virtually received their repeated sanction, without even an attempt, as far as now recollected or can be traced, to effect their repeal, affording an evidence of the general sense of the community in their favour. Complaints began to be loud from complying quarters, against the impropriety and injustice of suffering the laws to remain unexecuted in others.

"Process issued against a number of non-complying distillers of Fayette and Allegheny; and indictments having been found at a circuit court holden at Philadelphia in July last, against Robert Smilie and John M'Culloch, two of the rioters in the attack which, in November preceding, had been made upon the house of a collector of the revenue in Fayette county; process issued against them also, to bring them to trial, and, if guilty, to punishment."

This presentation of the subject countenances a serious misapprehension, into which writers of authority have fallen, in regard to an important circumstance—the time of the issuing of the writs; and it will be found that when, at length, in the latest writer, Hildreth, it comes to be divested of the obscurity in which many words involve it, his statement is directly the reverse of the fact.

Chief-Justice Marshall says: "Notwithstanding the mul-

tiplied outrages committed on the persons and property of the revenue officers, and of those who seemed willing to submit to the law, yet, in consequence of a steady adherence to the system of counteraction adopted by the Executive, it was visibly gaining ground, and several distillers in the disaffected country were induced to comply with its requisites. The opinion, that the persevering efforts of the administration would ultimately prevail, derived additional support from the passage of an act by the present Congress, containing those provisions which had been suggested by the chief of the treasury department. The progress of this bill, which became a law on the 5th of June, could not have been unknown to the malcontents, nor could its probable operation have been misunderstood. They perceived that the certain loss of a market for the article, added to the penalties to which delinquents were liable, might gradually induce a compliance on the part of distillers, unless they could, by a systematic and organized opposition, deprive the government of the means it employed for carrying the law into execution.

"On the part of the Executive, this open defiance of the laws, and of the authority of the government, was believed imperiously to require, that the strength and efficacy of those laws should be tried. Against the perpetrators or some of the outrages which had been committed, bills of indictment had been found in a court of the United States, upon which process was directed to issue; and at the same time process was also issued against a great number of non-complying distillers."

¹ Marshall's Washington, ii. 340, 341.

An exception to an opinion of Chief-Justice Marshall is to be taken with no ordinary diffidence, but here his statement is certainly erroneous. In the first place, his argument in connection with it is, that the provisions of the Act of June 5th, 1794, were calculated gradually to induce a compliance with the law; but it seems to have escaped his notice that the speedy action in the premises was not taken under the conciliatory provisions of that statute, but was in fact antecedent to it. In the second place, his two paragraphs are so constructed as to usher in with a striking effect the proceeding designated by the concluding words of the latter of them — "process was also issued against a great number of non-complying distillers;" which issue of process having occurred on the 13th of May, preceded, by twenty-three days, the enactment of the law of June 5th, which enactment is the leading subject-matter of the first paragraph. Lastly, he says, the process against the distillers was issued at the "same time" with that which was issued in consequence of the indictments; but, in fact, there was a considerable interval. Process against the distillers was issued in May, the Report of the Secretary of the Treasury states that the indictments were "found" in July, but the time is fixed with more precision by the following entries in the Minute-Book of the Circuit Court: "12th of April, 1794. The grand jury having returned into court present the following bill, the United States vs. Robert Smilie and John M'Culloch, A true bill against Robert Smilie and 4 unknown, respecting John M'Culloch, ignoramus." The bill of indictment is endorsed, "Capias issued, 16 June, 1794." And the capias, which is

returnable to the October Session at York, is endorsed, "Non est inventus. D. Lenox." So that the process against the distillers was issued twenty-three days before, and that against Robert Smilie eleven days after, the Act of June 5th. As then the western counties had no opportunity to exhibit a distaste for the provisions of the bill, the progress of which, as Chief-Justice Marshall declares, could not have been unknown, nor the probable operation misunderstood by them, it cannot be justly said that against it was directed the "systematic and organized opposition;" for, if such opposition did exist, its forcible exhibition was not against a measure of government in conformity with the newly enacted statute.

Wharton says: "After the passage of this Act, a plan was adopted," (that which has already been given). ****
"Process issued against a number of non-complying distillers." That the process was issued before, not "after" the passage of the Act, has been, it is hoped, clearly established. It may be mentioned that the plan spoken of by Wharton, and which he has taken from the Secretary's report, was digested, as that report states, in 1792, and put in execution in 1793; and the report claims, as a consequence, that "the laws appeared, during the latter periods of this year (1793) to be rather gaining ground."

Hildreth commences the seventh chapter of his first volume of the second series of his history of the United States, with the words: "Very shortly after the adjournment of Congress, steps were taken, under the new act on that subject, for enforcing the collection of the excise duty

¹ State Trials, 110.

in the western counties of Pennsylvania." Congress adjourned on the 9th of June, 1794. He should have said—shortly before the adjournment of Congress, steps were taken under the old act on that subject. No less inaccurate is the sentence which follows. He continues,—"Indictments were found against a number of distillers who had neglected to enter their stills, and thirty warrants were issued." By the record of the court it appears that, Informations were filed, and thirty-seven (fifty including Bedford county) subpænas were issued for Western Pennsylvania.

The single fact of the United States Marshal's serving the process after the Act of June 5, 1794, had authorized suits to be brought in the State courts, ought to have been sufficient to excite inquiry, on the part of these authors, whether the law had been so administered as to remove "one of the principal complaints" of the western people; and the neglect to make such inquiry would appear still more remarkable in the face of the following statement, published in 1796; "the law in question (Act of June 5, 1794,) authorized the State courts to take cognizance of offences against the United States, * long before it was enacted, the Secretary had procured writs to be issued out of the District Court, to compel the appearance of delinquent distillers at Philadelphia, and delayed to have these

¹ The Commissioners, in their Report to the President, say that they stated, in their conference on the 21st of August, with the committee from the Parkinson's Ferry convention, "that, at the last session, the State courts had been vested with a jurisdiction over offences against those acts, (the excise laws) which would enable the President to remove one of their principal complaints."

writs executed until harvest, after the people had been gratified with the reasonable expectations of having their supposed delinquency examined in the vicinity of their residence, and * these writs, the execution of which produced the insurrection, were made returnable in a manner, or at a time which rendered them of no effect."

Findley does not give any evidence to show that the Secretary procured the writs to be issued, or that he was instrumental in the delay of their service. As to the latter part of the statement, that the manner or time of their return rendered the writs of no effect, it may be said that the return day at the time of their issue, was the second Tuesday of August (the twelfth of that month), in accordance with the Act of September 24, 1789, which established the court; but, by an Act of June 9, 1794, which was read twice, and committed, in the House of Representatives, on the 10th of March preceding,2 the time of holding the sessions was altered from the second Tuesday to the third Monday, which in August, 1794, was the eighteenth day of the month. The Minutes of the Court, however, show that, on the 12th of August, a special court was held in pursuance of a "written order" of Judge Peters, and that the whole seventy-five writs were then returned; so that Findley would, on this point, appear to have fallen into error. The docket exhibits the discontinuance of fifteen of the cases; of the others, the final disposition does not appear on the record. It is evident, however, from the remark, that the question as to the effect of the alteration of the return day, was by some considered to be of importance.

¹ Findley, 299, 300.

² G. and S. 3d Cong. 498.

The acts of violence which occurred in the interval between the issue and service of the writs will now be stated. The Secretary, in his Report, relates them as occurring prior to the issue of the process, but the legal proceedings could not have been in consequence of acts which had not then been committed. In May and June, James Kiddoe had parts of his grist-mill, at different times, carried away. The still of William Cochran was destroyed, his saw-mill rendered useless, by the taking away of the saw, and his grist-mill so injured as to require to be repaired at considerable expense. At the last visit a note in writing was left, requiring him to publish in the Pittsburg Gazette an account of what he had suffered, on pain of another visit, with threats of further injury to his property.

June being the month for receiving annual entries of stills, endeavours were made to open offices in Westmoreland and Washington. With much pains and difficulty, places were procured for the purpose. In the former county, the office was in the house of Philip Regan. It was at different times attacked in the night by armed men, who frequently fired at it; but they were always repulsed by Regan and the younger Wells. The sign of the office in Washington county was pulled down, and threats were made of future destruction. Afterwards, "about twelve persons, armed and painted black, in the night of the 6th of June, broke into the house of John Lynn, where the office was kept, and after having treacherously seduced him to come down stairs, and put himself in their power, by a promise of safety to himself and his house, they seized and tied him — threatened to hang him — took him

to a retired spot in the neighbouring wood, and there, after cutting off his hair, tarred and feathered him—swore him never again to allow the use of his house for an office—never to disclose their names, and never again to have any sort of agency in aid of the excise. Having done which, they bound him naked to a tree, and left him in that situation till morning, when he succeeded in extricating himself. Not content with this, the malcontents some days after made him another visit—pulled down part of his house, and put him in a situation to be obliged to become an exile from his own home, and to find an asylum elsewhere."

The Rev. Dr. James Carnahan, late President of Princeton College, has given the following relation of this affair. "The first acts of violence were done to the Deputy Inspectors, men generally of low character, who had very little sensibility, and who were willing, for the paltry emoluments of the office, to incur the censure and contempt of their fellow-citizens. These sub-excisemen were seized by thoughtless young men, and received a coat of tar and feathers, more through sport than from a deliberate design to oppose the law. Of several cases of this kind which occurred, I shall mention only one, which in part fell under my notice. About the last of June, or the first of July, 1794, John Lyn, a Deputy Inspector, residing in Canonsburg, Washington county, was taken from his bed, carried into the woods, and received a coat of tar and feathers, and he was left tied to a tree so loosely that he could easily extricate himself. He returned to his house,

¹ Secretary's Report on the Insurrection.

and after undergoing an ablution with grease and soap and sand and water, he exhibited himself to the boys in the Academy and others, and laughed and made sport of the whole matter." ¹

The following is "from the Notes of Mr. Rawle, Attorney for the District, taken in the course of the Trials," and as Brackenridge, who uses it, says, "is extracted to show the disposition to outrage, even before the coming of Marshal Lenox." ²

Andrew Boggs, "July 4, 1794, went to a muster at colonel Parker's; people chiefly collected, and in their ranks; went to a piece of ground; mustered; manouvered, and returned to Parker's; ranged themselves in companies. A paper was produced for every man to put his mark that opposed the excise law; one paper went through two or three companies; saw, or heard of no man that refused signing it, but one; the people much displeased with him; he was threatened; speeches made against the excise law; said the power of Congress was such they did not know where it would end; they had made a supplement to the former law, that there should be but one office in each county; that they had lately erected an office in Washington county, but found they could not support it; that in their opinion they should not submit to the law at all; that it was better to take up arms against it; urged the people in strong terms to hold out, and not submit to it; asked a gentleman, whom I thought a friend, what was best for me to do, as the people had thrown out threats

¹ Carnahan's Paper on the Insurrection, Proceedings N. J. Hist. Soc. vi. 120.

² Brackenridge, iii. 132, 133.

against me; said, he had been my friend; but it was time for me to say something for myself; that the crisis was come when they would have no such people, and I must be one way or the other.

"A few days before this meeting, major — mentioned to me, that it would not be long before I would hear of a party of 400 or 500 who would join to suppress the excise office in the county, and that they would march to general Neville's. I communicated this, and what passed at the meeting, to colonel Neville.

"Had apprehensions both for my person and property; resolves passed at a committee, against every one that entered stills, and general threats held out against it. I understood they were to march to general Neville's house, and take the papers from his office respecting the excise law."

The Secretary of the Treasury further says: "During this time, several of the distillers, who had made entries and benefited by them, refused the payment of the duties—actuated, no doubt, by various motives. Indications of a plan to proceed against the inspector of the revenue, in the manner which has been before mentioned, continued. In a letter from him of the 10th of July, he observed that the threatened visit had not yet been made, though he had still reason to expect it." His paragraphs concerning the law of June 5th, and the issue of the writs, follow the above.

The house of Miller was situated about fourteen miles from Pittsburg, in the direction of Washington. That of the Inspector was about midway between Pittsburg and Miller's house. After the Marshal had served the writ on Miller, one of the thirty or forty men who had followed him, discharged his rifle. The shot did not take effect,

PITTSBURG, August, 1794.

The council of sixty are not to meet until the first tuesday in Septr.; unless they can be prevailed on to assemble sooner. longer time will tend to impede if not frustrate the intended operations of government. I think myself the time limitted is too short for a return of reason and the exercise of good sense which many men in this country possess, besides many might possibly wish for an opportunity to withdraw themselves from measures which they never heartily approved that cannot bring themselves to do it under circumstances that might admit of a construction of fear.—it is now twelve o'clock and we have not yet heard of more than three deligates being in town, but the morning has been very rainy, it is expected they will all appear in the course of the day-what mode of proceeding in business will be adopted I cannot say, the Commissioners can only determine for themselves.-No personal insults have been offered, you know I did not apprehend any, I mention it to remove all doubt on this head - I do not mean now either to condemn or justify the proceedings here, but I may safely venture to say, that the people on the west of the mountain labour under hardships, if not grievances that are not known, or at least not understood in other parts of the United States, in more instances than the Excise, but in this particularly it can be demonstrated that they labour under peculiar hardship, for instance carrying a man to Philadelphia or Yorktown to be tried for crimes real or supposed, or on litigation respecting property perhaps under the value of fourty shillings, this is really intollerable. other parts of the Union for various reasons are differently circumstanced, except the back parts of Virginia and North Carolina, they are pretty similar and therefore complain loudly — to the eastward they have large distillerys only of Rum, these are generally in large towns on the seacoast, the operation of the Excise is therefore similar to impost, and is not felt nor even seen by the people at large. I believe it will be found too that some of the officers here have behaved shamefully, yet there is nothing in all this to justify the measures adopted for redress, but I hope it will at length appear that the violent measures originated in accident and

Among the Irvine Papers in possession of Mr. Baird, are copies made by Gen. Irvine of many of his letters. The following is one of them. It is not signed by him, nor is the name on it of the person for whom it was intended. It is, however, entirely in the hand-writing of Gen. Irvine.

and it is not known that it was designed to do so. Early next morning, July the 16th, about one hundred armed persons were seen by the Inspector to approach his house in a hostile manner. A firing took place, and the rioters were repulsed, six of them wounded, one, it was reported, mortally. The following day, the 17th, a gathering took place at Couche's Fort, not far from the Inspector's house, with intention to renew the attack. An aged and venerable clergyman, John Clark, endeavoured, but in vain, to dissuade the people from the object they had in view; which, it was said, was to compel the surrender of the Inspector's commission. The Inspector had left his house, but it was occupied by Major Kirkpatrick and eleven soldiers from the fort at Pittsburg. Firing took place, and of the attacking party, James M'Farlane, who had served in the Revolution, was killed. The building and outbuildings were then fired and destroyed; and Kirkpatrick and his soldiers surrendered themselves. The Marshal and

not in a premeditated plan. It is said that the Marshal had served several process in Fayette and Washington counties, indeed all he had to serve but one, without molestation or opposition, so far from it that many proposed to enter their stills and even pay the arrearages if he would promise to have prosecutions stayed, which he could not engage but promised to recommend the measure. When Mr. Lenox was near the last place, in company with Mr. Neville, a number of reapers who were in a neighbouring field took the alarm and a rencounter ensued, some person ran immediately to a house where the Brigade Inspector was holding an appeal for a Battalion of Militia and cried aloud "the Federal Sheriff was taking away people to Philadelphia," on which between thirty and fourty flew instantly to arms-being then after dark and it is supposed they had drank freely as is not unusual on such occasions. this was in the night of the 15th of July and they reached Mr. Neville's plantation early the next morning. I need not trouble you with a detail of what followed. that has already been published.

two others had been taken prisoners as they approached at the commencement of the firing. All the prisoners escaped before the next morning. The Marshal descended the Ohio river on the 19th of July, and by a circuitous route returned to Philadelphia.

On the 23d of July a large meeting was held at the Mingo Creek meeting-house. The question presented to it was, whether the rioters should be supported in what had been done. Fortunately, however, that question was evaded; and, instead of an unqualified approval of a lawless act, it was "recommended to the townships of the four western counties of Pennsylvania, and the neighbouring counties of Virginia, to meet, and choose, not more than five, nor less than two, representatives, to meet at Parkinson's Ferry (now Monongahela city) on the Monongahela, on Thursday, the 14th day of August next, to take into consideration the situation of the western country." On the 25th of July, the United States' mail from Pittsburg to Philadelphia, when near Greensburg, was stopped by two armed men, and most of its contents taken. This affair appears, at first, to have been managed by these two men, aided by two others. "The object to be obtained was, to know the opinions of the people on the business carried on." 2 The mail was taken to Canonsburg, where several others became parties to the robbery. "Col. John Canon and a Mr. Speer, a storekeeper in Canonsburg, were invited to the tavern, and the mail was opened. Letters were found giving sad accounts of the doings, and

¹ Findley, 92.

² Judge Addison to Brackenridge, 18th Janu'y, 1795; Incidents, i. 38

naming individuals concerned. The letters and papers not referring to this concern, were put into the mail-bag and returned to the post-office in Pittsburg. In the course of conversation at the tavern, it was asked what would be done with those known to be concerned in the attack and burning of Neville's house? Bradford replied they would be hung, and suggested that the only way to protect them was to involve the whole Western country in the matter, and that the numbers concerned would prevent extreme measures on the part of the government." On the 28th of July, David Bradford, who originated the robbing of the mail, together with six other persons, J. Canon, B. Parkinson, A. Fulton, T. Speers, J. Loughry, and J. Marshall, issued a circular letter, addressed to the officers of the militia, in the same manner as an order would have been issued from the proper authority, directing a rendezvous at Braddock's Field, on the first of August, of as many volunteers as could be raised. "Here, sir, is an expedition proposed, in which you will have an opportunity of displaying your military talents, and of rendering service to your country. Four days' provision will be wanted; let the men be thus supplied." 2 It appears to have been the design to seize the military stores in the arsenal at Pittsburg. The circular letter was sent by messengers in different directions; but almost instantly its author became alarmed, and issued the following countermand—too late, however, to prevent the rendezvous; and finding the countermand unpopular with the reckless, he instantly denied having issued it.3

¹ Carnahan, 125.

² Brackenridge, i. 40.

³ Ibid., i. 43; and iii. 128.

"DEAR SIR:

"Upon receiving some late intelligence from our runners, we have been informed that the ammunition we were about to seize, was destined for general Scott; who is just going out against the Indians. We therefore have concluded not to touch it; I give you this early notice, that your brave sons of war need not turn out till farther notice.

"Yours, DAVID BRADFORD."

"COL. DAVID WILLIAMSON." 2

Judge Addison, in a charge to the grand jury, Dec. 1794, said: "it had become habitual with the militia of these counties, to assemble at the call of their officers, without enquiring into the authority or object of the call. This habit, well known to the contrivers of the rendezvous at Braddock's Field, rendered the execution of their plan an easy matter." The people of Pittsburg, however, went to save their town, which was threatened. On the trial of Norris Morrison and others, for "riotously assembling, and raising a liberty pole," the judge said: "When there was real danger, all the town went to Braddock's Field."

Brackenridge, i. 43; and iii. 128.

It is supposed that this was the same David Williamson who was the leader in the Muskingum massacre. If this be true, we now find him, after a lapse of twelve years, again connected with a lawless enterprise, and we may believe that he and his followers were active in the disturbances in Western Pennsylvania. Great excitement may prevail among a people with but little disposition to acts of violence, which, very often, are not to be ascribed to that excitement, but to the desire of bad men to use it as a pretext for the advancement of their personal interests.

³ Addison's Charges, 122.

⁴ Addison's Reports, 276.

Those who ventured on the experiment of introducing the plan of an excise in the United States, no doubt believed it could be maintained and executed in accordance with the principles of free government. The opinion of Blackstone was, however, against such a theory; and the experience in England was, that trial by jury would be fatal to the system. In 1790, the Attorney-General, Sir Archibald Macdonald, an advocate of the excise, said in Parliament, when it was charged that withholding the right of trial by jury was a violation of the Constitution, that "a general introduction of this mode of trying excise causes, he believed, was given up by most men, as absolutely inconsistent with the collection of a duty consisting of minute detail." And in the same year the Chief Commissioner of Excise in Scotland spoke of "the many confiscations, fines, imprisonments, and deaths, which resound from one statute to another." 2 It was of such laws that, in a speech, also in the same year, "Mr. Sheridan, at length returning to the system of excise, said, that he then held in his hand a book, which contained only ten acts of parliament for enforcing the excise; and he was bold enough to declare, that in no age, or country, had the most fell despotism pursued measures more tyrannical, more cruel, or more oppressive than those which were to be found in that book. Despotism, he admitted, had oppressed, and dealt in cruelty in all ages; but never had it assumed the robe and form of law, and built up such a system of oppression as that book exhibited." In 1733,

¹ Cobbett, xxviii. 749.

² Hamilton's Enquiry, 48.

³ Cobbett, xxviii. 654.

when Walpole withdrew his scheme, a writer in the Craftsman, of London, fancied himself to be conveyed in a vision (unhappily it was but a vision) to a sumptuous edifice, over the gates of which were inscribed in large capitals: NO JURIES; NO MAGNA CHARTA. In the hall sat eight or nine elderly personages, who seemed to affect the gravity of judges; they were the Commissioners of Excise. A parcel of ill-looking ruffians, having the appearance of bum-bailiffs, dragged in a venerable matron, whose image the dreamer thought he had often seen in painting and sculpture. She refused to be arraigned, demurred to the jurisdiction of the court, and with admirable strength of argument insisted on her ancient privileges. savage judges and persecutors were about to proceed to further violence, the joyous bells pealed from all parts of the city, and loud acclamations of victory filled the streets. The court was immediately crowded with men dressed in plain habits, with the figures of looms, ploughshares, and anchors embossed on their breasts; one of whom advanced with a scroll in his hand—a decree of the Senate; and, liberating the captive matron, led her without the gates, where she was received by a vast concourse of people, who, with shouts, conducted her in triumph to her old mansion, the Temple of Liberty.1 Happily profiting by the lessons of history, the Congress of the United States, by "An Act to repeal the Internal Taxes," April 6, 1802, discontinued those on stills, and domestic distilled spirits, on refined sugar, licenses to retailers, sales at auction, carriages for the conveyance of

¹ Craftsman, xi. 6, 7.

persons, and stamped vellum, parchment, and paper. "These covering our land with officers, and opening our doors to their intrusions, had already begun that process of domiciliary vexation which, once entered, is scarcely to be restrained from reaching successively every article of produce and property."

Upon the erroneous statement as to the issue of the writs, have been founded arguments that have borne heavily against the reputation of Western Pennsylvania. The error is indeed fundamental, and must taint every narrative which includes it; for upon it is based the groundless assumption that the people would not be content even with such laws as they themselves had asked for.

Whether any serious difficulty would have occurred had the plan of the Secretary, already spoken of, been modified

¹ Jefferson's second Inaugural Address, March 4, 1805. In according to this passage the highest merit as exhibiting the broad and comprehensive view of a statesman, it would not be proper to overlook, in connection with it, Jefferson's letter to Madison, Dec. 28, 1794: "The information of our militia, returned from the westward, is uniform, that though the people there let them pass quietly, they were objects of their laughter, not of their fear; that one thousand men could have cut off their whole force in a thousand places of the Alleghany." (Writings of Jefferson, iv. 112.) The crude notions entertained by the militia men, were probably of no value whatever. What men who do not understand the subject say, does not necessarily convey information. The military force on the Western Expedition was quite sufficient for its object, even had the whole west been united in a determination to resist; and it was with his usual wisdom that Washington, believing as he did that there was a disposition to resist, resolved to dispatch a force large enough to "frown down all opposition," and thus prevent the exhibition of a fratricidal spirit in the land he loved, and under the government he had so long laboured to erect.

in accordance with the provisions of the Act of June 5, 1794, it is not intended to consider. The views of Washington on a similar occasion are known to us. At the time of the insurrection in Massachusetts he wrote, October 31, 1786, to Henry Lee: "Know precisely what the insurgents aim at; if they have real grievances, redress them, if possible, or acknowledge the justice of them, and your inability to do it at the present moment. If they have not, employ the force of government against them at once." Smyth, in his Cambridge (England) Lectures on Modern History, pronounces this to be "a lesson to all the governments of the earth." The same alacrity in a lawless enterprise that was shown, in 1782, by Williamson's company, was displayed by the militia in their attacks upon the Inspector's house. This, however, in view of what shortly followed, appeared to be comparatively a trivial matter; for, notwithstanding the formidable condition of the hostile Indians, against whom Wayne was leading his army, the fear of the western people of his failure, and their backwardness in rallying to his support, it is found that orders issued by a selfappointed committee, for an armed gathering in opposition to the law, were obeyed with zealous alacrity by about seven thousand men. Explained as it is, that some went from misapprehension, some from terror, and some to act the part of moderators of the excitement, the explanation itself admits too great a readiness on the part of considerable numbers to act independently, and to resort to force; and the general anticipation of violent measures

¹ Sparks's Washington, ix. 204.

² Smyth's Lectures, ii. 475.

is proved by the admission that so many felt the necessity of their presence to restrain. But, as a portion of those who assembled did so with a design to burn Pittsburg,1 and some with a disposition to plunder the town,2 a distinction is to be made between them and such as went with an intention to express, even with violence, their opposition to the obnoxious law; for, however the first may have masked their design under the popular cry, and applauded the mysterious author of the incendiary effusions of the day, "Tom the Tinker, with his bearskin budget," who it was boasted that "his iron was hot, his hammer was up, and he would not travel the country for nothing," the real object was spoil. Defeated in this by the controlling influences which quietly dissolved the gathering, and which influence, in some degree, was felt even at the Mingo Creek meeting, it is to be inferred that the sentiment of the people at large was pacific; and that, exhibiting itself at such a moment, and under such circumstances, it was recognized, and gradually prevailed as a wholesome and determined public opinion.

To most of those in authority, as well as to the country generally, it doubtless appeared that armies to protect them from the Indian, and laws modified to suit their demands, were not sufficient to satisfy the western people; but that, when at length there was comparatively nothing left to complain of, a sudden frenzy seized the population, and brought them in arms against one object, for but one remained—the authority of the Federal Union. The

¹ Wilkins's Account of the Gathering at Braddock's Field.

² Brackenridge, i. 44.

reasonable supposition that relief was afforded by the Act of June 5th, 1794, must have been general; and it may thus be seen how fatally the erroneous statement as to the issue of the writs pervaded and distorted the mind and opinion of the people of that day, as it has continued to mislead those who have since written upon the subject. It may be understood, too, why the calling to the field of an army of fifteen thousand men met with such general acquiescence; and why that army, when it entered the western counties, found a people not greatly unlike themselves, some good, and some bad; and, as all men are, divided in opinion; but with few among them so senseless or insane as to lift a hand to disturb the harmony of the system of our confederated government. And had the inconsiderate proceeding which drove the western people to resistance been explained to them, as it should have been, those among them who were reasonable would at once have become satisfied, and time would have secured the acquiescence of all whose opinion had any weight. For if, as science and philanthropy have shown, even madmen can be controlled without recourse to violence, surely we may deprecate a too prompt resort to it in dealing with men in whom passion has disturbed but not overthrown the power of reason.

Passing over the many incidents subsequent to the assemblage at Braddock's Field, it may be mentioned that, with the exception of Morgan's corps, the army remained but a few days in the western counties. The acts of outrage, of a portion of it, justly complained of, and by none more severely denounced than by Washington, closed with

one of so startling a character, that it deserves a particular examination, but I must now content myself with a mere reference to it. The military force had been instructed "to support and aid" the civil authorities, and the eve of its departure from the west was signalized by a great number of midnight arrests, made, in some instances, by a brutal soldiery, without, it is said, due form of law, and with circumstances which earned from the western people, for the 13th of November, like "the night of sorrows" of Mexico, the enduring title of "the dreadful night."

Although the occasion of the resort to a military force was a difficulty arising out of resistance to the service of civil process, we find this military force, itself, also resisting civil process, in the following spring, while Morgan's corps yet remained in the country. The military committed acts which rendered them amenable to the civil law. "Indictments were accordingly issued against a number of the cavalry officers, for alleged violations of the rights of certain individuals. One of these officers, having entered a man's house, and seized a pair of pistols and a rifle, and another having taken by force a quantity of forage, without paying therefor, warrants were obtained for their arrest. The execution of these warrants was resisted, and the posse comitatus was called out to enforce them."

However rude the frontier population of Pennsylvania may have been, a thorough examination of all the circumstances connected with the history of the important event of 1794, will, I think, relieve them from the charge of disaffection to the Federal Government, and exhibit some

palliation for that lawlessness which has been, not without exaggeration, ascribed to them. But this and other investigations highly appropriate to this Society, and involving, in no slight degree, the credit of our State, cannot be prosecuted as thoroughly as their importance merits till the valuable publication, made under the authority of the Legislature, from the Archives of Pennsylvania, shall be continued to the close of the last century, from the year 1790, the date at which the work now terminates.

THE GATHERING OF THE INSURGENTS ON BRADDOCK'S FIELD.

John Wilkins to William Irvine.1

PITTSBURG, Aug. 19, 1794.

DEAR SIR:

I HERE give you a true statement, as far as it came within my knowledge, of the assembling of people on Braddocks Field's on Friday, the first inst., and their march through this place on Saturday, the 2d inst.

In the beginning of that week, we were informed that the Pittsburg Mail had been taken from the Post, and in consequence of letters found therein, Expresses were riding through all the Four Counties, warning the men, to turn out with their arms, and to appear on Braddocks Field's, Friday at one o'clock, under the penalty of having their property destroyed by fire.

That day were to march from thence to Pittsburg, (or Sodom as they called the Town) and destroy it by fire, as also to take the Garrison. This news we repeatedly heard, but at length some of their particular friends, as was supposed, came into Town and gave certain intelligence, that the intention of the people was to destroy all the Town, without respect to persons or property.

In consequence of which, a Town meeting was called, to consult on what measures were to be taken on this alarming crisis. Thursday evening and the Court House were the time and place appointed. . . . Just as the people were meeting at the Court Honse, four gentlemen arrived in Town from Washington Co. Supposing they were come with some despatches or accounts from the people, we appointed three gentlemen to wait on them; after some time, the three returned, and informed us, that those four gentlemen from Washington Co. had been sent by the people to offer us proposals, which were, that we immediately hanish Major Kirkpatrick, Mr. Bryson, Major Butler, and a certain Day, and march to Braddocks Field's in the morning, and join the army which was to assemble there;

otherwise, our town must be consumed. These were the terms; the four gentlemen were not empowered to make the least alterations; they further told us, that they must make report to the people on Braddocks Field's tomorrow early in the day, as also our answer. We inquired how many might be expected to meet on the Field; they told us, that, on a moderate calculation, seven or Eight thousand; these gentlemen further told a few of us, privately, that it was with great difficulty the people were brought to offer us any terms. When Mr. Ross and a few gentlemen in and near Washington, understood the business for which the people were assembling, they proposed joining them, in order the better, to divert them from such a horrid action. They said, that after Mr. Ross joined the people, he and some more laboured among their committees night and day, until they at last got them to make this offer to the people of Pittsburg.

Thus hearing our sentence, and the conditions, we did not long deliberate, we were no match, no relief could be given from the garrison, they were busy laying in provisions, and fortifying, in order to protect themselves and the stores.

The Committee of Twenty-one (you see on the handbill) was immediately appointed, we waited on the gentlemen proscribed, all but Major Butler, told them our situation. Mr. Bryson and Major Kirkpatrick declared themselves happy in thinking that their departing the town, would be a means of saving it, and that they would go in the morning. Mr. Day appeared displeased and obstinate, however, he agreed also to go in the morning; the Committee then drew up their resolves you see in the papers. Mr. Scull printed all night, in order to have a sufficient number to distribute amongst the people on Braddocks Field's, hoping this, together with our other compliance to their orders, would moderate the rage of the people for that time, and save the town, for the four gentlemen also told us privately, that they much doubted all we could do would not stop the rage time the business was finished, it was about 2 o'clock in the night. I then came home, my family were in tears, and I believe most of the Women in town were in tears; the people appeared (by the lights) to be all stirring, and I believe the most of them hiding property. I also began to hide or bury property: the County Books and Treasury, the books belonging to my office, as Justice, my private Books, and money left in my hand by other people, a little money of my own, together, with other small property, I buried that night. I concluded the House and remainder of my property would be consumed, as my son John was so threatened by the people for buying Excise Whiskey. . . . I rather suspected that if they did not burn all the town, that, at least, the property of the obnoxious people

would be consumed, and as his store was in one end of my house, all would go together. In the morning the greatest confusion prevailed amongst the people, all sorts of labour and business ceased, all the men preparing to march, the women in tears, some leaving the town, some hiding property, and some so shocked as not to know what to do. . . At nine o'clock, Major Kirkpatrick and Mr. Brison set out on their journey: I conveyed them to the river, and saw them arrive at Robinson's, our parting was distressing, to see our fellow-citizens banished, as in a moment, from their all, without a hearing, and for what we know without a just cause, was too much for any human heart to bear.

At Ten we were all ready to march, the four gentlemen from Washington advised Gen. Gibson, Col. Nevil, and my son John, not to go, for their lives were in danger, they all wished to go and run chance; Gibson and Nevil was prevailed upon to stay. I myself, with some others, insisted on my son going and take chances; for, that if he did not, he certainly would be proscribed, and perhaps his property consumed, and that his presence might silence the clamours of the people; he wished to go, and declared he would rather fall a sacrifice than be banished, his family and his property destroyed: he went; just as I was mounting my horse, a boy brought and delivered me a letter from his Excellency, the Governor, requiring me to use all my exertions in bringing those rioters to justice; this was another blow, to pretend to act as a justice in this case was impossible. I was then going to meet the very men I was ordered to seize and bring to justice. . . . I was obliged to hide the letter, it being found with me was sufficient pretence of banishment and destruction of property; which, at that moment, I wished to save, and to attempt answering the letter was equally dangerous, as I did not know the moment it might fall into their hands.

I set out (you may be sure with a heavy heart) with a determination of keeping up my spirits until the last, and by every soft means to parry the blow intended against the town.

When we came within a mile of the field, we halted until all our party collected, we then advanced, the Committee of twenty-one, in front unarmed, the rest of the party armed, we entered the field, and marched about one mile through a crowd of people, scarce a face known to me—a constant fire of small arms was kept up, equal to almost any battle, some loading and firing for their diversion, others blazing away at the trees.

We at length reached at a certain place; where we were ordered to halt, we then mixed among the crowd, and towards evening, orders were issued, commanding each Company to choose a man to act in Committee next morning, and that the Army (as was called) to lie in the field that night.

It appeared that the day was spent in good humour, eating, drinking, and shooting, no insults appeared to be given to any persons, but we were often told that we came out to join them through fear. In the evening I intended coming to town, and met with some of my neighbours who wished the same, we came as far as Judge Wallace's. A man came after and acquainted us, that no man should go to Pittsburg that night, another severe stroke. I suspected all was not yet right, and I was at that moment full of the hopes of acquainting our friends in Pittsburg, that we had settled the minds of the people. However, the order must be obeyed; I then got into a Farm house for the night. I did not go into Camp until nine o'clock, Saturday morning; the first orders I received were, that the Committee of twenty-one must go immediately to town and acquaint the women, &c., that the Army was determined to march into town, but that they were coming in peace; that all stores and Taverns should be shut, and no Liquors sold to the men; but that if any refreshments were given by the inhabitants, it must be carried to the place where the men would halt, on the Commons; as also to procure all the craft, and bring them to a certain part of the river, in order to carry the men over the Monongahela. I was one of the first five who reached town: we first called on Major Butler, and informed him that the men was all marching into town, that they intended no harm, either to him or the town, but only wished to show themselves, then march every man to his own home.

We had scarce finished our instructions until the front appeared. I then rode to a place where I could see the length of the line; they marched in files and in good order, leaving a small space in between each Battalion, they appeared to be upward of two and a half miles long, and by the space of ground they took up, there might be between Five and Six Thousand, some said 7 or 8 Thousand. A great number of people left them at Braddock's Field, one Battalion from Westmoreland went from thence in a body. They marched through the town, and halted at the large flat of ground opposite Maine house, and began immediately to embark. The horse rode the river, the foot in Boats, &c. They entered the Town about 12 o'clock, and it was almost sundown before they all, or rather the main body, crossed the River. The strictest order was kept up by the officers, this I saw, for I continued on horse back in the field until I saw the last of them, except stragglers, embark.

My mind was too much agitated to think of rest or refreshment until all appeared in safety. About dark some of the leaders came and told me, that a party intended setting Kirkpatrick's House on the Coal Hill on fire, and then intended coming to town and burn his house there. This occasioned a great alarm, but it was agreed that the men from the Country

would guard both places all night; and accordingly they did, yet some ill disposed persons set his stack yard on fire on the Coal Hill. There was but a small quantity of Grain, and only an old log stable burned. This alarm kept me on foot the most of the night.

Sunday, in the evening, another alarm took place. It was rumored that a party of men was lying in the woods, and intended that night to burn Kirkpatrick's house on the Hill; and then come over and burn his house in town: that some people in town were to join them. The Committee was called, and just as we were assembling in order to form some mode of protecting ourselves that night, we were informed that Major Kirkpatrick had returned that evening, and was then in the Fort. * * * * * * * * * * * * * Col. Nevil told us, that if we could procure a guard, Kirkpatrick would go that night; we immediately appealed to some twenty persons, who agreed to go as a guard. It was some time in the night before we broke up. As I came out of the house, a person told me that a number of the inhabitants had gone to waylay Kirkpatrick as he came out of the Fort, and to prevent the guard from getting in. The night was very dark, and likely to rain. I went up to the garrison alone. Got among the people, and persuaded them to disperse. As soon as I got that party away, I came home, and found Henry Woolf one of the guard at my house. . . . I immediately got my horse, saddle and bridle, and put provisions in my saddle bags; sent them to the garrison. By this time it began to rain. Another party had got round the garrison, but he got in unperceived, none of the rest of the guard got in. . . . The Major agreed to go with Woolf, accordingly got out of the gate, and clear of the party who was watching.

This business took me almost all that night; the next day being Monday, every thing appeared to get into the old channel. People's minds to be at ease, and they began to follow their occupations, since which, nothing material has happened, but what is within your knowledge.

I have thus made free with an old friend in troubling him with a short and true relation of that week's proceedings. I in haste ran over it, which may in part account for the incorrectness, it was only intended for your private perusal, it is dangerous to either write or say anything in this country at present: if found out, or comes to the ears of the public; if disagreeable to the violent party, fire, desolation, or banishment, is immediately announced. After you leave this country, and a safe passage offers, I will give you further information how the business is carried on.

I'm with esteem, your humble servant,

JOHN WILKINS.

GENERAL WILLIAM IRVINE.

¹ The omissions are in the original.

GALLATIN'S MEMOIR ON THE INSURRECTION.

THE opposition to the Excise law did not originate in the Western counties of Pennsylvania; for on the 22d of January, 1791, while the Excise Bill was pending before Congress, the House of Representatives of Pennsylvania, upon the motion of two members from the city of Philadelphia, adopted by a large majority, resolutions expressive of their sense on the subject. They not only did so, but in order that their opinion and the motives of their conduct might be known and circulated, they entered their reasons at large on the minutes of the 2d February, 1791, and in those reasons, (which were published in the Newspapers) they express their opinion, that an excise law was, as it had been denominated by the Congress of 1774, "the horror of all free States," and that a very large portion of the people would be opposed to it under every possible modification. It may not be out of place also to mention that acts of violence had been committed in the State of Pennsylvania some years before, and previous to the existence of the Constitution of the United States, and which terminated in the expulsion of the State excise officer.

The Meeting held at Pittsburgh in September, 1791, was particularly charged with having occasioned all the excesses that followed; yet there was nothing reprehensible in the resolutions which were then adopted; nor was there anything criminal or of a dangerous tendency in the measures they proposed. To remonstrate and to correspond with other parts of the State, and of the Union, with a view to procure the support of concurring Petitions, where a coincidence of sentiments existed, seems to have been their only object. Mr. Gallatin, however, was not a member of that

^{1 &}quot;The resolutions of the Legislature of Pennsylvania against this tax were echoed in North Carolina, Virginia, and Maryland, and no doubt became one principal cause of the opposition encountered in its collection."—J. G.

² Albert Gallatin was born at Geneva, in Switzerland, on the 29th of January, 1761, of a noble family. He graduated at the University of that place in 1779. His historical courses were made under Miller. The Duke de la Rochéfoucauld wrote the 22d May, 1780, to Dr. Franklin, requesting his kind attention for the young man, who was then about to leave for America, where he arrived, at Boston, on the 14th July, 1780.

[&]quot;From that period forward to about the year 1830, a period of nearly half a century, Mr. Gallatin was almost constantly employed in the public service. Almost

meeting, nor was he present when it took place, he was a member of the Legislature, and attended as such at the Session held at that time in the city of Philadelphia.

The meeting held at Washington in the same year, 1791, went farther, and the meeting held at Pittsburgh on the 24th of August, 1792, adopted

every department of that service has received the benefit of his extraordinary talents, and his varied, extensive, and accurate knowledge. Whether in legislation, in finance, or in diplomacy, he has been equally distinguished in all. In all, or in either, he has had few equals, and still fewer superiors." It will be seen that he took a prominent part against the insurgents in 1794, and "he always looked upon his service at this time as the most important in its consequences, and the most honourable to himself, of any transaction in any portion of his life." (Address by Luther Bradish, N. Y. Hist. Soc. vii. 229, et seq.)

Upon his retirement from public life, the activity and usefulness of Mr. Gallatin did not cease. "Those talents which had been so long, so honourably, and so usefully employed in the various departments of the public service, were scarcely less actively, or with less reputation, occupied in liberal studies, philosophical investigations, and the useful pursuits of private life. As a general philologist, and more particularly, in the extent and accuracy of his knowledge of the native languages and dialects of America, he had, perhaps, no superior. In archæology, and especially as an ethnologist, he was equally distinguished." This long career of usefulness was closed by death in 1849.

Mr. Astor, of New York, entertained the highest confidence in the financial knowledge of Mr. Gallatin, and his strong attachment for him led to an offer to associate him in his business; which, however, was declined. Mr. Baring sought his advice as to proposing for a loan of the French Government in 1816, and from a sense of gratitude, proposed, and even insisted, that he should take a part of the loan, without advancing any of the funds, by which he would be enabled to realize a handsome fortune. "I thank you," was Mr. Gallatin's reply; "I will not accept your obliging offer, because a man who has had the direction of the finances of the country as long as I have, should not die rich." (Proceedings N. Y. Hist. Soc. vii. 297. — John Russel Bartlett's paper.)

It reflects no little honour upon the citizens of Allegheny and Washington counties, that, in October, 1794, they selected Mr. Gallatin, who was not a resident of that district, to be their representative in Congress. And no less upon the Pennsylvania Legislature of 1793, who, with a majority against his party, elected him to the Senate of the United States, for which, however, he was declared to be then ineligible.

Being among the leaders of one of the political parties which divided the country, Mr. Gallatin's rigid economy, as Secretary of the Treasury, was much censured, and sometimes with justice. He was economical in the true sense, however, for his policy projected that liberal work, of which "he was the sole author, the National Road; intended as a model, and to show that the Alleghanies interposed no real barrier between the Eastern and Western States. The credit of the organization of the Coast survey is also in a great degree his. And the Public Land System was devised, digested, and carried into execution by him." (Democratic Review, June, 1843.) -- Note by T. W.

the resolutions of the said Washington meeting; they not only agreed to remonstrate, but they expressed a determination to hold no communication with, and to treat with contempt such inhabitants of the Western country as should accept offices under the law. The Principle of these resolutions was not new, they had been adopted by a respectable Society in the city of Philadelphia, established during the Revolutionary War, in order to obtain a change of the former Constitution of Pennsylvania, and whose members agreed to accept no offices under the then existing Government, and to dissuade others from accepting them. The effect, however, produced by that meeting, may be judged from the fact, that, although many acts of violence had been committed before the meeting, eight months elapsed after it, without any outrages being committed, and indeed fifteen months, without any injury to persons or property. It was even acknowledged that the law gained ground during the year 1793.

Mr. Gallatin returned to the western country in June, 1794, after an absence of eighteen months, on account of public business, and his marriage with the daughter of Commodore Nicholson, a distinguished officer of the Revolutionary War. Shortly after his return (in July) he was invited to attend a meeting of Distillers, and others, at Uniontown, Fayette County, held a few days after the destruction of General Neville's house. - Although the news of the riots, and of their fatal effects, had reached the meeting; and although it was known that parties of armed men were then assembled in the neighbouring Counties in order to intercept the Inspector of the Revenue and the Marshal, an idea of combining with the rioters was not even suggested at this meeting, but on the contrary it was unanimously agreed that in future the Distillers should either abandon their occupation, or enter their stills according to law; and that those who had been summoned should immediately evince their submission by entering an appearance to their respective suits, and engage counsel for their defence. more forcibly to convey an idea of the feelings and sentiments of the members of the Uniontown meeting, it may here be added, that while they were still together, a letter was received proposing a general meeting of all the western counties; but from apprehension that such an assemblage would increase the degree of inflammation, and extend its influence to greater numbers, the letter was reluctantly read, and never taken into consideration.

We may as well here state the fact, that no act of violence was committed in the district in which Mr. Gallatin resided, either before or during the insurrection, and it is believed that not a single inhabitant of that District was ever concerned in any such act elsewhere; and after the army

had entered the country, there was not a single individual belonging to that District arrested on suspicion, or even summoned as a witness. Mr. Gallatin, moreover, avers in his speech delivered in the legislature of Pennsylvania on the subject of the Western Insurrection, that neither during the period of his absence, nor after his return to the western country, in June, 1794, until the riots had begun, had he the slightest conversation, much less any deliberation, conference or correspondence, either directly, or indirectly, with any of its inhabitants, on the subject of the excise law: and that he first became acquainted with almost every act of violence committed, upon reading the report of the Secretary of the Treasury.

Mr. Gallatin, in October, 1794, was elected a member of the Legislature by the county of Fayette, where he resided; and without his knowledge at the time, also a member of Congress from the Pittsburgh District, and this on the sole ground that no person had taken a more early, active or successful part, in allaying the flame, and opposing the spirit of insurrection—Mr. Gallatin, as we will hereafter show in the course of this narrative, displayed not only great energy of character and abilities of the highest order, but also both political and physical courage of which very few examples can be found in the history of this or of any other country.

The Marshal for the district of Pennsylvania had above thirty writs to serve upon divers persons; and the first idea of resisting him originated upon the serving of the last writ (16th July, 1794) upon a man by the name of Miller, in a harvest field amidst a group of reapers who were not perfectly sober; and we learn by the official letter of the State Commissioners to the governor, that the casual assembling of a body of militia at a board of appeals gave unhappily the opportunity of employing an armed force in the attack upon the house of General Neville, which was finally destroyed, &c. &c.

A meeting was held shortly afterwards by the people collected from a part only of the two counties of Washington and Allegheny at the Mingo creek meeting-house, and the result of their deliberations was the calling a meeting of Deputies from all the townships of the western counties at Parkinson's Ferry, in order to take into consideration the situation of the country.—In the mean time Bradford and some others, to draw as many of the people as possible into a criminal combination, before the general meeting, caused the post to be robbed of the mail, and the discoveries obtained by this act of felony produced a secret consultation which resulted in a circular letter signed by seven persons, directed to the colonels of the militia of Washington county, requiring the attendance of the militia at

¹ See letters of Messrs. M'Kean and Irvine, Document No. II.

Braddock's Field; the day after the above letter was circulated, one of the signers wrote a countermand in which he avows, that the original intention was to attack the garrison at Pittsburgh, and to seize upon the military stores. It was, however, too late to stop the people, and a considerable number met at the place of rendezvous, on the day appointed.

Of those who attended, some knew and meant to carry into effect the original intention (to attack the garrison at Pittsburgh, and to seize upon the military stores), some were actuated by a disposition to prevent mischief; many had been regularly summoned, as if for a tour of military duty, and were ignorant of the real cause; a portion, consisting chiefly of those who were already criminal, entertained a general desire to encourage any kind of riot, that could involve more persons in the jeopardy of their own situation; but after all, the principal mass was composed of citizens who were either attracted by curiosity or impelled by fear. The original design being abandoned by the leaders, it is remarkable, that this assemblage of people, summoned with the most daring intention, and composed in part of the most riotous characters, left no trace of its transactions, but a march to Pittsburgh, for which there seemed to be no pretence except parade; no object with the contrivers except a wish to impress the country with an idea of their influence and strength; (the expulsion of the five citizens of Pittsburgh, whose letters had been taken from the mail when it was robbed by Bradford and others, no doubt was influenced by a fear of the body who met at Braddock's Field, but did not originate with, and should not be ascribed to them, for the inhabitants of Pittsburgh, under the apprehension of immediate danger, carried the expulsion into effect themselves.) The same object, indeed, stimulated them to spread the most exaggerated account of their numbers, that were assembled. There were probably only about fifteen hundred, and could not have been more than two thousand men; for scarcely any of the people of Westmoreland and Fayette (Mr. Gallatin was not there), and very few from the southern part of Washington and the eastern part of Allegheny attended (Mr. James Ross was present).

The effects produced by the event of the meeting at Braddock's Field were certainly more pernicious than those which any preceding excess had produced. The flame then and not till then, spread at a distance. A party of armed men entered the county of Fayette, proceeded to the house of the deputy inspector for the counties of Westmoreland and Fayette. The officer fled, his house was burnt; another party made an incursion into the county of Bedford, seized the officer, treated him with personal abuse, and obliged him to destroy his commission. A short time afterwards the

¹ This number appears to be greatly underrated.—T. W.

officer of a neighbouring county in Virginia fled for fear of insult, and a riot took place at where he resided. In another county of the same state, some of the papers of the officer were forcibly taken from him. Similar symptoms of disaffection broke out within a short time in the counties of Bedford, Cumberland, and Northumberland, in Pennsylvania, and in some parts of Maryland.

In this alarming state of things, under circumstances so unpropitious, the meeting of Parkinson's ferry took place on the 14th August, 1794. (In the county of Fayette there was much hesitation, whether they should send deputies or not. The change of circumstances which had taken place since the Uniontown meeting of distillers, and others, heretofore mentioned, the expulsion of the officer, the evident symptoms of a restless temper in many of the inhabitants, the danger of the flame spreading, if it was suffered to blaze any longer, were urged with so much force by Mr. Gallatin, together with a hope that he expressed, that he might succeed in allaying the spirit that raged in other parts of the country, at length prevailed over every other consideration, and they were induced to send deputies.) The object of the meeting, as expressed in general terms in the advertisement, was only to take into consideration the situation of the Western Country. The meeting appointed Col. Cook Chairman, and Albert Gallatin Seey., and was held in the open fields, in the very neighbourhood in which resistance had originated, and within a mile of the dwelling-house of M'Farland, who had been killed in the second attack on General Neville's house. The meeting consisted of more than two hundred deputies, and was surrounded by a great number of spectators, many of whom had been actually engaged in the riots. After some inflammatory speeches the Resolutions were proposed by Mr. Marshal, the most important of which was the following, viz.:

tinuance of the insurrection. He urged that the government was bound to vindicate the laws, and that it would surely send an overwhelming force against them. He placed the subject in a new light, and showed the insurrection to be a much more serious affair than it had before appeared; he produced a great impression, as well on the members of the meeting as on those who were merely spectators. Mr. M. perceiving that he would not be generally supported, offered to withdraw his proposition provided a committee of sixty should be appointed, and have power to call a new meeting of the people, or of their deputies — this was instantly agreed to. Another of the resolutions that were adopted, expressed a determination to support the State laws, and to afford protection to the persons and property of individuals. Mr. Gallatin insisted that a declaration of this kind was absolutely necessary, since it was essential that individuals should be restored to a state of peace and order, to freedom of speech, and to social confidence, in order to pave the way for a general submission to the government and laws.

This was but faintly opposed. But the meeting, composed and surrounded as it was, could not be prevailed upon to include in its resolution the "laws of the United States;" all that could be obtained was that they should be silent on that subject. Whilst the meeting were assembled, they received intelligence that the Commissioners appointed by the President to confer with the citizens of the western counties, on the subject of the late disturbances, had arrived; and it was agreed that three persons from each county should be appointed respectively by the members of each county, to meet the Commissioners. The Committee of Sixty it was then determined should meet on the 2d September at Brownsville (Redstone Old Fort), or sooner if necessary; and accordingly, after the conference with the Commissioners and at their request, it was summoned to meet four days earlier (28th August).

Accordingly, on the 28th August, 1794, the Committee of Sixty met at Brownsville (Redstone Old Fort). Fifty-seven members attended, twenty-three from the county of Washington alone; thirty from the three counties of Westmoreland, Fayette, and Allegheny; one from Bedford county; and three from the county of Ohio in Virginia. Albert Gallatin opened the meeting by an eloquent speech in favor of law and order — Bradford made an intemperate speech openly advocating resistance.

The general wish of the members, which was dictated by fear, and with difficulty prevented, was to adjourn without doing anything, and to refer the whole business to the people at large: Mr. Gallatin, assisted by the venerable judge Edgar, at length succeeded in having the report of the committee appointed to confer with the Commissioners of government taken

into consideration; all however that could be obtained was the adoption of the following Resolution, viz.:

"Resolved, that in the opinion of this committee, it is the interest of the people of this country to accede to the proposals made by the commissioners on the part of the United States."

Such was the dread of the popular phrensy, that it was with difficulty that a vote could be obtained on the foregoing resolution; at length, however, Mr. Gallatin proposed that he should write on the same piece of paper yea and nay and hand it to the members, leaving each member to destroy one of the words, while he put the other in the box; the question was then taken by ballot, thirty-four voted in the affirmative, and twenty-three in the negative; six of those who voted in the negative did it through a mistake, which made the votes forty and seventeen. Bradford, when he found the vote against him, immediately retired in disgust, and shortly afterwards signed the terms of submission and advised others to do so. In fact, this meeting virtually closed the insurrection. While Mr. Gallatin was speaking, in order to intimidate him, several men dressed in hunting-shirts had their rifles levelled at his head. The meeting was held in a grove, and was surrounded, during their deliberations, by a large body of armed men.

A new committee of conference was appointed by this meeting, for the purpose of obtaining further time before the question of submission was referred finally to the people. The Commissioners were not authorised to grant this, but put forth a test of submission to be signed by the citizens, which was acceded to by the conferees; this operated unfortunately in one point of view, for many persons refused to sign the amnesty as it would seem to imply a tacit acknowledgment of a previous offence, and of a personal want of pardon. Mr. Gallatin, on his return to Fayette County, found this state of things existing there; when he immediately obtained a meeting at Uniontown (on the 10th Sept. 1794) of those individuals who had represented Fayette County at the Parkinson's Ferry meeting of 14th August, 1794, and proposed a declaration that was unanimously adopted, from which we give the following extract, viz.:

¹ The result of this vote was beneficial, as it exhibited to the ill disposed the weakness of their party, which, as a consequence, was soon dissolved. But the Commissioners did not consider the resolution as a submission to authority. As was their duty, they very properly required that the submission should be full and explicit; and their report to the President that such submission had not been made, led to the order for the immediate march of the army. The country was speedily satisfied that with General Washington there would be no paltering with grave affairs of State.—T. W.

"Wishing, however, to have it fully understood, that from the following declaration, no implication is to be drawn of an acknowledgment that we ever have failed, either directly or indirectly, in that duty which every citizen owes to his country, to wit, submission to its laws. We, the committee of townships from the county of Fayette, do not hesitate explicitly to declare our determination to submit to the laws of the United States, and of the State of Pennsylvania, not to oppose either directly or indirectly the execution of the acts for raising a revenue on distilled spirits, and stills, and to support (as far as the laws require) the civil authority in affording the protection due to all officers and citizens, and we do further recommend to our fellow-citizens a perfect and entire acquiescence under the execution of the said acts, and also that no violence, injuries or threats, be offered to the person, or against the property, of any officer of the United States, or of the State of Pennsylvania, or citizens complying with the law."

On the 17th Sept. 1794, the committee of the townships of Fayette County, wrote to the Governor of the State, that "they had no doubt of peace being fully re-established, and a perfect submission taking place in that country, provided it was not interrupted by some new acts of violence elsewhere." They add that "still, however, a certain degree of heat existed as well in Fayette as in the other western counties, and that some time would still be necessary to operate a complete restoration of order and a perfect submission to the laws." On the same day the same committee, with a view to counteract any combinations that might be set on foot by the violent party, recommended to the people to form associations "for the purpose of preserving order and of supporting the eivil authority."

On the 20 September, 1794, at a meeting of the inhabitants of the town of Pittsburgh, for the purpose of considering the proscriptions of certain citizens, during the late disturbances, in which necessity and policy, led to a temporary acquiescence on the part of the town;

It was unanimously resolved, that the said citizens were unjustly exiled, and the said proscriptions are no longer regarded by the inhabitants of the town of Pittsburgh, and that this resolution be published for the purpose of communicating these sentiments to those who were the subjects of the proscription.

By order A. TANNEHILL, Chairman.

On the 25th of September, 1794, the grand jury of Washington County, in their answer to the address of Judge Addison, declared their unanimous concurrence and approbation of the sentiments expressed in the charge,

and their opinion, that, if printed assurances of submission were distributed through the county, they would be generally signed.

On the 2d of October, 1794, the same delegates of counties, who had assembled at Parkinson's Ferry on the 14th of August, 1794, assembled at the same place, agreeably to notice in the Pittsburgh Gazette, and unanimously agreed to the following resolutions, viz.:

Resolved, that it is the unanimous opinion of this meeting, that if the signature of the submission be not universal, it is not so much owing to any existing disposition to oppose the laws, as to a want of time and information to operate a correspondent sentiment, and with respect to the greatest number, a prevailing consciousness of their having had no concern in any outrage, and an idea that their signature would imply a sense of guilt.

Resolved, unanimously, that we will submit to the laws of the United States, that we will not directly or indirectly oppose the execution of the acts for raising a revenue on distilled spirits and stills, that we will support, so far as the law requires, the civil authority in affording the protection to all officers and to the citizens, reserving, at the same time, our constitutional right of petition and remonstrance.

Resolved, unanimously, that William Findley, of Westmoreland county, and David Redick, of Washington county, be appointed commissioners to wait on the President of the United States, and the Governor of Pennsylvania, and to explain to Government the present state of this country, and detail such circumstances as may enable the President to judge whether an armed force be now necessary to support the civil authority in these counties.

Resolved, unanimously, that the Secretary transmit a copy of these resolutions by post to the President of the United States, and to the Governor of Pennsylvania, and have them printed in the Pittsburgh Gazette.

(Signed) ALEXANDER ADDISON, Secty.

Messrs. Findley and Redick, in pursuance of the foregoing resolution, waited on the President of the United States, and on their return, communicated the result of their interview to a meeting of the Committee of townships, held at Parkinson's Ferry on the 24th of October, 1794, and in consequence of this communication, the following resolutions were unanimously adopted, expressing the opinion of the meeting, viz.:

1. Resolved, that in our opinion, the civil authority is now fully competent to enforce the laws, and to punish both past and future offences, inas-

much as the people at large are determined to support every description of civil officers in the legal discharge of their duty.

- 2. Resolved, that in our opinion, all persons who may be charged or suspected with having committed any offence against the United States or the State, during the late disturbances, (and who have not entitled themselves to the benefits of the act of oblivion) ought immediately to surrender themselves to the civil authority, in order to stand their trial; that if there be any such persons amongst us, they are ready to surrender themselves accordingly, and that we will unite in giving our assistance to bring to justice such offenders as shall not surrender.
- 3. Resolved, that in our opinion, offices of inspection may be immediately opened in the respective counties of this survey, without any danger of violence being offered to any of the officers, and that the distillers are willing and ready to enter their stills.

Messrs. William Findley, David Redick, Ephraim Douglass, and Thomas Morton, were then appointed to wait on the President of the United States with the foregoing resolutions.

(Signed) JAMES EDGAR, Chairman.

Attest, Albert Gallatin, Secty.

The President of the United States, however, decided it expedient to send forward the army that had been collected at the East. This army consisted of fifteen thousand men.' The army arrived in November, but met with no opposition. A court of enquiry ("a Star chamber") was established at Pittsburgh, composed of Gen. Hamilton, Gen. Knox, and Judge Peters; testimony was

^{1 &}quot;The rendezvous of the northern division of the army, by far the strongest, was at Carlisle, where the President joined it as Commander-in-Chief. Passing through the town without dismounting at the quarters proposed for him, he proceeded at once, under an escort of New Jersey dragoons, to the plain at the south of it, where ten thousand volunteers, the flower of the Delaware, New Jersey, and Pennsylvania youth, were drawn up to be reviewed by him. Finer looking fellows were perhaps never brought into line; and their uniforms, arms, and accoutrements were splendid. But the observed of all observers was General Washington. Taking off his small revolutionary cocked hat, and letting it fall at his side with inimitable grace, he rode slowly along the front, receiving, with a puff of military pride, the salute of the regiments with drums and colors; of the officers with swords and spontoons; and of the private soldiers with presented arms. His eye appeared to fall on every man in the line; and every man in the line appeared to feel that it did so. No man ever sat so nobly in a saddle, and no man's presence was ever so dignified. To a boy, as the writer then was, it was an impressive spectacle, that review." (Chief Justice Gibson's Observations. Coll. Hist. Soc. Pa. i. 349.) -T. W.

taken before them, and several persons were arrested, and sent to Philadelphia' for trial, where they were imprisoned for ten or twelve months without even an indictment being found against them; two or three were tried and convicted, and afterwards pardoned.

The inhabitants of Pennsylvania enjoyed, by their Constitution, the privilege of being tried in the vicinage; a word which technically means the county where the party resides, or where the offence has been committed. The exercise of the power (given by the laws of the United States) to drag individuals a distance of three hundred miles to be tried, was therefore considered by the inhabitants of the Western Country as an invasion of one of their most sacred rights. In allusion to this, Mr. Gallatin in his speech on the Western Insurrection in the Legislature of Pennsylvania, made the following very forcible remarks. "Let despotic governments eagerly seize every opportunity which the faults and the temporary folly of any part of the nation may afford them, in order to add new energy to their powers, and to justify the arbitrary exercise of a jurisdiction extended to new objects. Such mean and wicked policy is beneath the free governments of America. To amend rather than to punish, to conciliate rather than to exasperate, to strengthen the bonds of Union, rather than to sow seeds of division, must be the sole design of a government that wishes not its authority to rest upon force and oppression, but knows the confidence

¹ One of whom, Herman Husbands, was a native of Pennsylvania, where he was originally a member of the Society of Friends; and was said to be a relative of Dr. Franklin. Before the Revolution, he removed to North Carolina, and resided on Sandy creek, Orange (now Randolph) county, and was its representative in the Legislature. He was chief of the Regulators; of whom nothing more need be said, than to quote the official words of Governor Martin, Nov. 28th, 1772, to Lord Dartmouth. "A residence among them last summer afforded me a full conviction of their having been grievously oppressed by the sheriffs, clerks, and other subordinate officers of Government." Husbands enjoyed the confidence of the people. When elected to the Assembly, and the people had refused to pay to the sheriff the unlawful extortions by way of taxes, he appeared at Newbern as a member; the Governor (Tryon) asked for the taxes; Husbands threw the amount down, stating, "We pay to honest men, not to swindlers." After the defeat of the Regulators at Alamance, he came to Pennsylvania. When the army was in the western counties, Husbands was one of those arrested, but after a time was released from his imprisonment in Philadelphia, through the influence of Rev. David Caldwell, Dr. Rush, and others. He died, however, on his return homeward, not far from the city. (Wheeler's North Carolina, ii. 18, 348.) "Husbands was now taken into custody on suspicion of being an active fomenter of the insurrection. A friend of his, however, who resided in Maryland, said in a letter to the President, December 20th, (1794); 'I know that his sentiments were always in favour of the excise law, and that he did all that he could to prevent the people of the western counties from opposing the execution of the law, and I know he is a good friend to liberty and his country." (Sparks's Washington, x. 449.) - T. W.

and the love of the people to be the only foundation of their existence, the only Security for their duration. But if carried away by the torrent of a popular clamour, grounded on temporary prejudice, you attempt to justify by the specious plea of necessity and public good, the assumption of extraordinary and illegal powers: if you suffer yourselves to admit common fame and public opinion as legal proofs, beware of the consequences of the doctrine you introduce - beware how you overset those barriers, which alone can protect us and our posterity from the baueful effects of power, that deems nothing unlawful which it is able to accomplish, and of passion that deems nothing sacred which it wishes to destroy. Our security depends not more on the independence of our judges, than on the impartiality of the popular branch of our courts of justice of the juries. At this moment, within the walls of the prison of this city, (Philadelphia) on a suspicion of having had a share in the insurrection, are confined many unfortunate persons, already prejudged perhaps by prejudice, but only accused, but not condemned. They are to be tried, not in their own county, but at a distance of three hundred miles from their homes, and their fate depends on the verdict, not of a jury of their own vicinage, acquainted with their private character, and the whole tenor of their lives, but on men selected from amongst Strangers already biassed against them; on men who hear and see your proceedings, whom this discussion must tend to inflame, and whom, should you fatally adopt the measure that is proposed, you will teach the propriety of substituting the dictates of their own passions for the evidence of proved and ascertained facts. It is, by the introduction of similar maxims, that, in that country, which for some years has given so many useful but terrible lessons of the effects of power abused, and passions unrestrained, it is, by adopting as truth, reports grounded only upon the wishes or the fears of the people: it is, by making public opinion, common fame, and popular prejudices, the test by which they tried the conduct of individuals, that, in France, ambitious men covering their views, and justifying their means, under the specious names of necessity, public good, salvation of the country, have, for the sake of destroying their political enemies, and of increasing their own power, shed upon scaffolds, and under the cruel mockery of trials, the blood of so many thousands of innocent victims."

DOCUMENT No. I.

- Resolutions proposed by Mr. Marshal at the Parkinson's Ferry Meeting of the 14th August, 1794.
- No. 1. The same with the 1st resolution adopted.

2. That a standing committee be appointed, to consist of —— members from each county, to be denominated a committee of public safety, whose duty it shall be to call forth the resources of the Western country to repel any hostile attempts that may be made against the rights of the citizen or of the body of the people.

- Resolutions adopted by the Parkinson's Ferry Meeting of the 14th August, 1794.
- No. 1. Resolved, That taking citizens of the United States from their respective abodes or vicinage, to be tried for real or supposed offences, is a violation of the right of the citizens, is a forced and dangerous construction of the constitution, and ought not under any pretence whatever to be exercised by the judicial authority.
- That a standing committee, to consist
 of one member from each township,
 be appointed for the purposes hereinafter mentioned, viz.:

To draft a remonstrance to Congress praying a repeal of the excise law, at the same time requesting that a more equal and less odious tax may be laid, and giving assurances to the representatives of the people, that such tax will be cheerfully paid by the people of these counties. To make and publish a statement of the transactions which have lately taken place in this country, relative to the excise law, and of the causes which gave rise thereto, and to make a representation to the President on the subject.

To have power to call together a meeting either of a new representation of the people, or of the deputies here convened, for the purpose of taking such further measures as the future situation of affairs may require, and in case of any sudden emergency, to take such temporary measures as they may think necessary;

- pointed, to draft a remonstrance to Congress, praying a repeal of the excise law, and that a more equal and less edious tax may be laid, and at the same time giving assurance to the representatives of the people, that such tax will be cheerfully paid by the people of these counties, and that the said remonstrance be signed by the chairman of this meeting, in behalf of the people whom we represent.
- 4. Whereas, the motives by which the people of the Western Country have been actuated in the late unhappy disturbances at Neville's house, and in the great and general rendezvous of the people at Braddock's field, &c., are liable to be misconstrued, as well by our fellow-citizens throughout the United States, as by their and our public servants, to whom is consigned the administration of the federal government, therefore,

RESOLVED, that a committee of be appointed to make a fair and candid statement of the whole transaction to the President of the United States, and to the governors of Pennsylvania and Virginia, and, if it should become necessary, that the said Committee do publish to the world a manifesto or declaration, whereby the true motives and principles of the people, in this country, shall be fairly and fully stated.

5. That we will, with the rest of our fellow-citizens, support the laws and government of the respective states in which we live, and the laws and government of the United States, the excise law and the taking citizens out of their respective counties only excepted, and therefore we will aid and assist all civil officers in the execution of their respective functions, and endeavour, by every proper means in our power, to bring to justice all offenders in the premises.

- 3. That a committee of members be ap- 3. That we will exert ourselves, and that it be earnestly recommended to our fellow-citizens to exert themselves, in support of the municipal laws of the respective states, and especially in preventing any violence or outrage against the property and per son of any individual.
 - 4. That a Committee, to consist of three members of each county, be appointed to meet any Commissioners that have or may be appointed by the government, and to report the result of this conference to the standing committee.

DOCUMENT No. II.

EXTRACT of a letter of Thomas M'Kean, Chief-Justice of Pennsylvania, and General William Irvine, Commissioners, appointed by the Governor of Pennsylvania to confer with the inhabitants of the western counties, dated Pittsburgh, 22d of August, 1794.

"On Monday we endeavoured to ascertain the facts that led immediately to the riots in this county on the 16th and 17th of last mouth, at General Neville's estate, and the result is as follows: The Marshal for the district of Pennsylvania had process to serve upon divers persons residing in the counties of Fayette and Alleghany, and had executed them all (above thirty) without molestation or difficulty, excepting one, which was against a Mr. Shaw: 1 he or some other person went to the place where Dr. Beard, the Brigade Inspector for Washington county, was hearing appeals made by some of the militia of a battalion, who had been called upon for a proportion of the quota of this state of eighty thousand men, to be in readiness agreeably to an act of Congress; there were upwards of fifty there with their fire-arms, to whom it was related, that the federal sheriff, as they styled the Marshal, had been serving writs in Alleghany county, and carrying the people. to Philadelphia for not complying with the excise laws, and that he was at General Neville's house. It was then in the night of the 15th of last month; between thirty and forty flew instantly to their arms, and marched towards Mr. Neville's, about twelve miles distant, where they appeared early next morning. Your Excellency has already heard the tragical event. It should be added, that the delinquents, against whom the Marshal had process, told him that they would enter their stills, and pay him the excise, together with the costs of suit. Major Lenox applauded their prudent conduct, and told them, that, though he had not authority to comply with their wishes, yet if they would enter their stills with the inspector, and procure his certificate, and send it to Philadelphia, upon payment of the money due with the costs, he was persuaded all further prosecutions would be stayed.

"If this detail is true, it is evident the outrages committed at Mr. Neville's were not owing to deliberate preconcerted measures, but originated in an unbridled gust of passion artfully raised amongst young men, who may have been at the time too much heated with strong drink!

"We met accordingly, and conversed together (with the twelve conferees appointed by the Parkinson's Ferry meeting of the 14th of August) freely for several hours. The supposed grievances were numerous; but they dwelt principally on their being sued in the courts of the United States, and compelled to attend trial, at a distance of three hundred miles from their places of abode, before judges, and jurors, who are strangers to them, and by whom the credit due to witnesses entirely unknown could not be properly estimated, and the inability to pay the excise owing to the restrained state of their trade and commerce. Impressed with the idea, that the spirit of the people in these counties, may be diffused into other counties and states, we have urged the necessity of a speedy termination of this business, and to that end, the calling the committee of sixty together, at an earlier day than the one fixed upon; though the gentlemen press upon us to allow time to the people to cool, yet we believe that they will gratify us in this request. We are acquainted personally with the committee of twelve, and think them well disposed."



PRESENTATION

TO

THE HISTORICAL SOCIETY OF PENNSYLVANIA

OF

The Belt of Wampum

DELIVERED BY

THE INDIANS TO WILLIAM PENN,

AT THE

GREAT TREATY UNDER THE ELM TREE,

IN 1682.

TO WHICH ARE APPENDED

WILLIAM PENN'S LETTERS TO THE INDIANS,
PLAN FOR THE UNION OF THE ENGLISH COLONIES.

AND

PLAN FOR THE CONFEDERATION OF THE STATES OF EUROPE.



The Belt of Wampum

o F

THE TREATY OF 1682.

At a meeting of the Executive Committee of the Historical Society, held on Monday evening, May the 25th, 1857, the following report was presented:

TO THE HISTORICAL SOCIETY OF PENNSYLVANIA:

The committee appointed at a meeting of the Society, held March 9th, ult., to make arrangements for the formal reception of the Belt of Wampum, delivered by the Indians to William Penn, at the Treaty under the Elm Tree, and for its deposit in the archives of the Society, in connection with the evidences by which its authenticity may be manifested to future generations, beg leave to report,—

That, at the said meeting of the Society, held at its Hall, March 9th, 1857, the Librarian announced the arrival, at Philadelphia, of Mr. Granville John Penn, a great-grandson of William Penn, and read the following letter which he had-received from him:

PHILADELPHIA, March 4, 1857.

MY DEAR SIR:

I brought out with me, from England, a very interesting and valuable record belonging to our family, which I am (207) desirous to present to the Historical Society of Pennsylvania, as the fittest depository for a document of so much historical interest, viz.: the belt of wampum presented by the Indian chiefs to the founder of Pennsylvania, at the great treaty which was held at Shackamaxon, in 1682, confirmatory of the treaty of friendship which was then concluded between them.

I shall be much obliged to you to be so good as to inform me at what time it would be most agreeable to the Society to receive this precious relic, when I shall have great pleasure in placing it in their hands, to be preserved among the archives of Pennsylvania.

And I remain, my dear sir, yours, very faithfully,

Granville J. Penn.

To Townsend Ward, Esq., &c., &c., &c., Librarian of Hist. Soc. of Pa.

When, on motion, it was

Resolved, That a committee be appointed to confer with Mr. Penn, and to make with him such arrangements as shall be most agreeable to him for the formal presentation of this interesting gift, and for its deposit in the archives of the Society, in connection with the evidences by which its authenticity may be manifested to future generations.

And the following members were appointed the committee: — George W. Norris, J. Dickinson Logan, Richard Penn Lardner, William Shippen, Jr., John Jay Smith, and Israel Pemberton.

We addressed to Mr. Penn, the following letter:

PHILADELPHIA, March 12th, 1857.

DEAR SIR:

The undersigned, a Committee appointed at a meeting of the Historical Society, on Monday evening last, have the pleasure to inform you that it was then

Resolved, That a committee be appointed to confer with Mr. Penn, and to make with him such arrangements as shall be most agreeable to him for the formal presentation of this interesting gift, (the Belt of Wampum delivered by the Indian chiefs to the founder of Pennsylvania, at the great treaty which was held at Shackamaxon, in 1682,) and for its deposit in the archives of the Society, in connection with the evidences by which its authenticity may be manifested to future generations.

And they would accordingly request, if convenient and agreeable to you, that the presentation be made at the next meeting of the Society, April 13th, with a statement by you of the facts relating to it.

With great respect, dear sir, yours very faithfully,

GEORGE W. NORRIS,

J. DICKINSON LOGAN,

RICHARD PENN LARDNER,

WILLIAM SHIPPEN, JR.,

JOHN JAY SMITH,

ISRAEL PEMBERTON.

GRANVILLE J. PENN, Esq.

To which he replied:

PHILADELPHIA, March 21st, 1857.

GENTLEMEN:

I beg to thank you for your letter of the 12th inst., conveying to me the resolution passed at the meeting of the Historical Society of Pennsylvania, on Monday, the 9th of March, in reference to the Belt of Wampum, which I am desirous to present to the Society, and to say in reply,

that it will be perfectly convenient and agreeable to me, that the presentation should be made, as proposed, on Monday, the 13th of April, when I will have the pleasure of attending the meeting of the Society for that purpose.

And I remain, gentlemen, yours very faithfully, Granville J. Penn.

To Dr. George W. Norris, and the gentlemen of the Committee, &c., &c.

And that at the meeting held April 13th, Mr. Henry D. Gilpin presiding, we reported to the effect of the last letter, and also the following letters, which were read by Mr. Shippen.

PHILADELPHIA, April 13, 1857.

DEAR SIR:

I regret that it is not in my power to accept the invitation which you gave me on behalf of the Historical Society of Pennsylvania, to be present this evening at their meeting.

The appropriate presentation to your Society by Mr. Granville Penn, of the original Wampum Belt, which the tribe of Indians, then occupying the site of Philadelphia, gave to his illustrious ancestor, on his first arrival among them, is an incident of more than common interest. While it secures to Pennsylvania an historical monument of peculiar value, it preserves also the rude, but voluntary, and most expressive symbol of the early confidence of the natives in that great and good man, which all his subsequent intercourse with them served to verify; and it exhibits, at the same time, his own noble resolution, taken

at the outset, and never departed from, to found his Commonwealth "on deeds of peace."

Very respectfully yours,

MARTIN VAN BUREN.

To Townsend Ward, Esq., Librarian, &c., &c.

PHILADELPHIA, April 10th, 1857.

MY DEAR SIR:

I much regret that I am disabled from being present at the reception of the Belt of Wampum, which Mr. Penn intends to present to our Society, and that I shall lose the opportunity of uniting in thanks to him for so valuable and welcome a proof of his care and attention on our behalf All that I could do, will, however, be amply supplied by our friend, Mr. Gilpin.

The preservation and appearance now of this memorial of the treaty at the celebrated Elm Tree, suggest pleasing reflection. This treaty not having been reduced to writing in the usual form, its existence and nature became subjects of doubt and disputation, though every historical circumstance combined to affirm the truth of its occurrence. The kindly intercourse with the neighbouring tribes, and the long and undisturbed harmony that followed the arrival of William Penn, all bespoke a feeling, which, if not recorded on paper, was deeply implanted in the breasts of both parties. And now, after a lapse of more than one hundred and fifty years, we have the event portrayed in the rude but expressive picture by a native, coeval with the transaction.

Permit me, also, to say that the spirit which dictated to William Penn this happy state of things, long survived in his descendants, and still continues, notwithstanding the separation that the course of events ultimately produced. It is matter of congratulation that this spirit has prevailed to preserve for us from the tooth of time a most interesting relic, connected with the earliest infancy of our colonization.

I am, dear sir, very cordially, your friend and servant,
THOMAS SERGEANT,

President of the Society.

George W. Norris, M. D., Chairman Committee, &c., &c.

Wilkes-Barré, March 10, 1857.

DEAR SIR:

Having received an invitation from the Committee of Arrangement of the Historical Society of Pennsylvania, of which you are Chairman, to be present at the delivery of the "Belt of Wampum, used by the Indians at the Treaty under the Elm Tree, at Shackamaxon," recently brought from England by Mr. Granville John Penn, I beg respectfully to acknowledge the honour: but extreme age denies me the pleasure. I regard the document as of great historical interest. Inspiring as the fine picture of West is, it requires the aid of a glowing and grateful imagination fully to realize that sublime and impressive scene. Every memorial that refers to, or illustrates it, should be carefully This "Wampum Belt" — emblem of acknowledged justice - pledge of assured peace - is worthy of special regard. If sufficient of the old Treaty Elm remains, a casket for it should be carved for its safe keeping.

If Sir Walter Scott did not err in almost adoring the regalia of the Scottish kings, surely we may keep and

cherish this "relic" with as sincere and more rational devotion.

How deeply we are indebted to the founder of Pennsylvania, is shown by two simple facts: We this day enumerate three millions of inhabitants, and the moderately assessed value of our taxable estate exceeds five hundred and sixty-eight millions of dollars. These are living monuments to the wisdom, the far-reaching sagacity, and the almost divine benevolence of the immortal Penn.

With great respect, your obedient servant,

CHARLES MINER,

1st Vice-President of the Society.

George W. Norris, M. D., Chairman, &c., &c.

422 ARCH STREET, March 16, 1857.

MY DEAR SIR:

Understanding that you are to preside at the meeting of the Society, appointed to receive from Granville John Penn the original Belt of Wampum presented at the Elm Tree Treaty, by the Lenni-Lenape Sachems, in 1682, to his illustrious progenitor, William Penn, I take the liberty of requesting you to communicate to the Society my regret at not being able to attend on the occasion.

The Belt now to be entrusted to us was the pledge of fidelity to a treaty of friendship that lasted sixty years. It is the token of extraordinary loyalty and honesty by both contracting parties, and is to come from the hand of a lineal descendant of the great founder of Pennsylvania—a happy circumstance which adds very much to the relevancy, beauty, and fitness of the occasion. "The even scales of justice and mild persuasion of Christian love,"

were the chief agents in this celebrated compact, entered into under the spreading branches of the ever-memorable Elm Tree, which was then a veteran of the forest, one hundred and fifty years old. It lived in vigorous health to the age of two hundred and eighty-three years, when, in 1810, it was uprooted by a violent storm. I visited it as it lay in ruins, and took from it a limb, which I gave to Captain Watson, of the British navy, who promised to deposit it in the museum of Exeter, in England.

By this deed of peace, the immortal Penn gave, for a long period, security to his colony.

Great was the glory that accompanied this eminent man in almost every step of his brilliant career, even to the grave. Of that glory, he died worthy; modern detractors have been foiled in their attempts to extenuate his merit or diminish his honour. Their accusations have been invalidated, and the brush of time leaves his never-dying fame as he himself left it, pure and without reproach!

It was the privilege of a Pennsylvanian (the great painter, West,) to perpetuate, on canvass, the memory of the Elm Tree treaty; and the good fortune of a Philadelphian to possess himself of West's splendid work, which is now in his parlor, in Arch street—Joseph Harrison, Jr., who is a member of our society, and deserves our thanks for securing it, at great cost, to our city.

Always, my dear sir, with distinguished respect and cordial regard, your friend and servant,

Samuel Breck, 2d Vice-President of the Society.

Mr. Henry D. Gilpin,
Vice-President of the Society.

Mr. Shippen now presented to the presiding officer Mr. Penn, who thereupon proceeded to speak as follows:

MR. PRESIDENT AND GENTLEMEN:

It is now upwards of five years since I first had the honour of being introduced to the Historical Society; and the kind and cordial reception I then met with, will never be effaced from my memory; and it is a great gratification to me to have the opportunity which the present occasion affords me of meeting you again in this hall.

The greater part of the intermediate time I have passed in Europe; and on leaving England, at the commencement of the present year, to revisit Pennsylvania, I brought out with me a very interesting and valuable record belonging to our family, to present to your Society, as the fittest depository for a document of so much historical interest. In doing which, I am only following the footsteps of my late revered father, and acting in accordance with his expressed desire, that I should carry on the correspondence he had so long held with the Historical Society, in whose proceedings he took the most lively interest, and contribute in any way it might be in my power to the furtherance of the important object they have in view.

The document which, by your permission, I now present to the Society, is one of very peculiar interest, being the Belt of Wampum which was given to the Founder of Pennsylvania, by the Indian chiefs, at the great Treaty held in 1682, after his arrival in this country, confirmatory of the friendly relations which were then permanently established between them.

That such is the case there can exist no doubt, as (though it has come down to us without any documentary evidence) it plainly tells its own story; and, in accordance with the resolution passed by the Society at its last meeting, I beg to offer the following observations in evidence of the fact. In the first place, its dimensions are greater than of those used on more ordinary occasions, of which we have one still in our possession 1—this belt being composed of eighteen strings of wampum—which is a proof that it was the record of some very important negotiation. In the next place, in the centre of the belt, which is of white wampum, are delineated in darkcoloured beads, in a rude but graphic style, two figures -that of an Indian grasping with the hand of friendship the hand of a man evidently intended to be represented in the European costume, wearing a hat; which can only be interpreted as having reference to the treaty of peace and friendship which was then concluded between William Penn and the Indians, and recorded by them in their own simple but descriptive mode of expressing their meaning, by the employment of hieroglyphics. Then the fact of its having been preserved in the family of the Founder from that period to the present time, having descended through three generations, gives an authenticity to the document which leaves no doubt of its genuineness; and as the chain and medal which were

¹ The Belt here alluded to is twenty-eight inches in length, two and a half inches in breadth, and consists of eight strings of wampum; the ground white, with five figures, or diagrams, in violet-coloured beads, worked upon it—three of a diamond shape, and two of a zigzag pattern between them, at equidistance from each other.

presented by the Parliament to his father the Admiral for his naval services, have descended amongst the family archives unaccompanied by any written document, but is recorded on the journals of the House of Commons, equal authenticity may be claimed for the Wampum Belt confirmatory of the Treaty made by his son with the Indians; which event is recorded on the page of history, though, like the older relic, it has been unaccompanied in its descent by any document in writing.

These facts are, I think, sir, satisfactory evidence of its being the belt which was used on that memorable occasion. But further light is thrown on the subject by a reference to the customs of the Indians in their use of wampum, and to the treaties made with them at later periods. In the interesting "History of the Missions of the United Brethren among the Indians in North America," by George Henry Loskiel, published in German, in 1788, and translated into English, in 1794, by Christian Ignatius La Trobe, I find the fullest account of wampum; and as it bears materially on the subject before us, I will, with your permission, sir, read the extract to the meeting.

"Though they are indifferent," he remarks, "about the history of former times, and ignorant of the art of reading and writing, yet their ancestors were well aware that they stood in need of something to enable them to convey their ideas to a distant nation, or preserve the memory of remarkable events, at least for a season. To this end, they invented something like hieroglyphics, and also strings, and belts of wampom." He first describes their hieroglyphics, which are characteristic figures, painted on trees,

to record various events, but chiefly to commemorate the deeds and achievements of their celebrated heroes. He then proceeds to give the following history of wampum:

"Wampom is an Iroquois word, meaning a muscle. number of these muscles strung together is called a string of wampom, which, when a fathom long, is termed a fathom or belt of wampom; but the word string is commonly used, whether it be long or short. Before the Europeans came to North America, the Indians used to make strings of wampom chiefly of small pieces of wood of equal size, stained either black or white. Few were made of muscle, which were esteemed very valuable and difficult to make; for, not having proper tools, they spent much time in finishing them, and yet their work had a clumsy appearance. But the Europeans soon contrived to make strings of wampom, both neat and elegant, and in great abundance. These they bartered with the Indians for other goods, and found this traffic very advantageous. The Indians immediately gave up the use of the old wooden substitute for wampom, and procured those made of muscles, which, though fallen in price, were always accounted valuable.

"These muscles are chiefly found on the coast of Virginia and Maryland, and are valued according to their colour, which is brown, violet, and white. The former are sometimes of so dark a shade that they pass for black, and are double the price of white. Having first sawed them into square pieces about a quarter of an inch in length, and an eighth in thickness, they grind them round or oval upon a common grindstone. Then a hole being

bored lengthways through each, large enough to admit a wire, whipcord, or thin thong, they are strung like beads, and the string of wampom is completed. Four or six strings joined in one breadth, and fastened to each other with fine thread, make a belt of wampom, being about three or four inches wide, and three feet long, containing perhaps four, eight, or twelve fathom of wampom, in proportion to its required length and breadth. This is determined by the importance of the subject which these belts are intended either to explain or confirm, or by the dignity of the persons to whom they are to be delivered. Everything of moment transacted at solemn councils, either between the Indians themselves, or with the Europeans, is ratified and made valid by strings and belts of wampom. Formerly, they used to give sanction to their treaties by delivering a wing of some large bird; and this custom still prevails among the more western nations, in transacting business with the Delawares. But the Delawares themselves, the Iroquois, and the nations in league with them, are now sufficiently provided with handsome and well-wrought strings and belts of wampom. Upon the delivery of a string, a long speech may be made and much said upon the subject under consideration, but when a belt is given few words are spoken; but they must be words of great importance, frequently requiring an explanation. Whenever the speaker has pronounced some important sentence, he delivers a string of wampom, adding: I give this string of wampom as a confirmation of what I have spoken;' but the chief subject of his discourse he confirms with a belt. The answers given to a speech thus

delivered must also be confirmed by strings and belts of wampom, of the same size and number as those received. Neither the colour nor the other qualities of wampom are matters of indifference, but have an immediate reference to those things which they are meant to confirm. The brown or deep violet, called black by the Indians, always means something of severe or doubtful import; but the white is the colour of peace. Thus, if a string or belt of wampom is intended to confirm a warning against evil, or an earnest reproof, it is delivered in black. When a nation is called upon to go to war, or war declared against it, the belt is black, or marked with red, called by them the colour of blood, having in the middle the figure of an hatchet in white wampom.

"The Indian women are very dexterous in weaving the strings of wampom into belts, and marking them with different figures, perfectly agreeing with the different subjects contained in the speech. These figures are marked with white wampom upon black, and with black upon the white belts. For example, in a belt of peace, they very dexterously represent, in black wampom, two hands joined. The belt of peace is white, a fathom long and a hand's They refer to them as public records, carefully breadth. preserving them in a chest made for that purpose. certain seasons they meet to study their meaning, and to renew the ideas of which they were an emblem or confirmation. On such occasions they set down around the chest, take out one string or belt after the other, handing it about to every person present, and that they may all comprehend its meaning, repeat the words pronounced on its delivery in their whole convention. By these means they are enabled to remember the promises reciprocally made by the different parties; and it is their custom to admit even the young boys, who are related to the chiefs, to their assemblies; they become early acquainted with all the affairs of the State; thus the contents of their documents are transmitted to posterity, and cannot be easily forgotten.

"The following instance may serve to show how well this mode of communication answers the purpose for recalling subjects to their memory. A friend of mine, at Philadelphia, gave an Indian a string of wampom, adding: 'I am your friend, and will serve you to the utmost of my power.' Forty years afterwards, the Indian returned the string, saying: 'Brother, you gave me this string of wampom, saying—I am your friend, and will serve you to the utmost of my power—I am now aged, infirm, and poor; do now as you promised;' and he generously kept his word."

In referring to the treaties made with the Indians in after times, we find several illustrations of the manner in which wampum was used in their councils, and also special reference to the original treaty. The appendix to the second volume of Proud's History of Pennsylvania contains the journals of Frederick Christian Post, who was sent by Gov. Denny, in 1758, to make a treaty with the Alleghany Indians; and in delivering the Governor's answer to the Chiefs, on his second visit, in the same year, after proposing to them to unite in a treaty of peace

¹ Loskiel, Book 1, i. 26.

which had lately been concluded with the Indians at Easton, and producing sundry belts, one of which was marked with figures, representing the English and the Indians delivering the peace-belt to one of the Commissioners, he proceeds to say: 'Brethren on the Ohio, if you take the belts we just now gave you, as we do not doubt you will, then by this belt'-producing another, and using their figurative style of speech—'I make a road for you, and invite you to come to Philadelphia, to your first old council-fire, which we rekindle up again, and remove disputes, and renew the first old treaties of friendship. is a clear and open road for you; therefore fear nothing, and come to us with as many as can be of the Delaware, Shawanese, or the Six Nations: we will be glad to see you; we desire all tribes and nations of Indians who are in alliance with you may come.' Whereupon a large white belt, with the figure of a man at each end, and streaks of black, representing the road from the Ohio to Philadelphia, was then given to them.1

At an earlier date, at a conference held by Sir William Keith with the Indians, at Conestoga, in 1721, preliminary to a treaty of peace, he refers to the first settlement of Pennsylvania, and the league of friendship which was then made with the Indians. He tells them: "Some of your ancient men can yet remember the first settlement of the province of Pennsylvania by William Penn. He was a good man, and had a great affection for all the Indians; he entered into leagues of friendship with them, and treated them as his brethren; and he gave charge to his governors

¹ App. to Proud, 114.

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whom he left in his place, and to all his people, that they should continue to do the same." And the Indians, in reply, "assure the Governor and Council that they had not forgotten William Penn's treaties with them, and that his advice to them was still fresh in their memories; that though they cannot write, yet they retain everything said in their councils with all the nations they treat with, and preserve it as carefully in their memories as if it was committed in our method of writing." And in the following year, when a treaty was concluded, at Albany, between Sir William Keith and the chiefs of the Five Nations, their spokesman, in replying to the Governor's proposition, delivered an eloquent address, of which the following is an extract: "You told us that you are come to renew the covenant chain that has been made between us so long ago, even at the first settling of the province of Pennsylvania, and to brighten again the chain, and to remove and do away any spot of rust that may be grown upon it since our last meeting and conference at Conestoga. You have told us that, at that time, you brightened the covenant chain between us, that it might be clear and lasting as the sun and stars in heaven; for which we thank you. And we being now all present, do, in the most solemn manner, renew the covenant and brighten the chain made between us, that the lustre thereof may never be obscured by any cloud and darkness, but may shine as clear and last as long as the sun in the firmament.

"You have likewise told us how William Penn, who was a good man, did, at his first settlement of the Province of Pennsylvania, make leagues of friendship with the

Indians, and treated them like brethren; and that, like the same good man, he left it in charge to all his Governors who should succeed him, and to all the people of Pennsylvania, that they should always keep the covenant and treaties he had made with the Five Nations, and treat them with love and kindness. We acknowledge that his Governors and people have always kept the same honestly and truly to this day: so we, on our part, have always kept, and forever shall keep, firm peace and friendship, with a good heart, to all the people of Pennsylvania. We thankfully receive and approve of all the articles in your proposition to us, and acknowledge them to be good and full of love; we receive and approve the same with our whole hearts; we are not only made one people by the covenant chain, but also are one people, united in one head, one body, one heart, by the strongest ties of love and friendship."

In confirmation of this treaty, Sir William Keith presented the Indians with two belts, with these remarkable words: "As oft as you look upon these two belts, remember, that this one signifies the strength which a wise nation acquires, and secures to its people by peaceable councils, and increasing the number of its friends; and this other belt represents to you a bold, firm, true heart, that abhors falsehood, but is ever faithful to its friends, and punctually observes whatever it promises."

These references materially assist us in forming a correct judgment regarding the belt now under our consideration, as they explain the use of the belts of wampum, and show

Particulars of an Indian Treaty at Conestoga, etc., reprinted at Dublin, 1723.

the great importance the Indians attached to them as public records of their treaties with other nations. The existence of such a belt as this is a proof that a solemn council was held, and matters of great moment considered and decided upon, of which it was the confirmation; and from the key we obtain from Loskiel for deciphering its meaning, there can be no doubt what it is intended to record.

Clarkson, in his very interesting account of the treaty between William Penn and the Indians, on his arrival in this country, to which such special reference is made by Sir William Keith and the Indian chiefs in the foregoing conference, remarks, "That it is to be regretted that the speeches of the Indians on this memorable day have not come down to us. It is only known," he says, "that they solemnly pledged themselves, according to their country manner, to live in love with William Penn and his children as long as the sun and moon should endure." Loskiel informs us, that when a belt of wampum is given, no speech is made. "Few words," he says, "are spoken, but they must be words of great importance." So that, in all probability, the sentiment Clarkson has recorded, expressive of the inviolability with which they regarded the solemn contract they had just entered into, was all that passed on that occasion. At all events, this belt, I conceive, sir, more than supplies any deficiency that may exist on that score, and becomes a chronicle of the events of that memorable day, so that they no longer rest on traditionary evidence alone, but hereby acquire a tangible existence; and the treaty, with all its attendant circumstances, may be handed down to future generations as an undoubted fact.

It would appear that the great treaty of 1682 was conducted throughout with the usual circumstances of diplomatic action on both sides. First. — There were the preliminary negotiations through his commissioner, prior to the arrival of William Penn in this country, by whose hands he sends a letter, in which he says: "The great God hath been pleased to make me concerned in your part of the world; and the king of the country where I live hath given me a great province therein; but I desire to enjoy it with your love and consent;" and concludes with saying, "I shall shortly come to you myself, at which time we may more largely and freely confer and discourse of these matters; in the mean time I have sent my commissioners to treat with you about land, and a firm league of peace. Let me desire you to be kind to them and the people, and receive these presents and tokens, which I have sent to you as a testimony of my good-will, and my resolution to live justly, peaceably, and friendly with you." This was in 1681. In the spring of the following year, he wrote another letter to them — an interesting fac-simile of which is in possession of your Society—the original, I understand, being preserved at Wilmington. After his arrival in this country, in the autumn of 1682, there was a meeting of the contracting parties, said to have been held at Shackamaxon, under the old Elm Tree, which Benjamin West assures us was, on that account, "held in the highest veneration by the original inhabitants of his native country, by the first settlers, and by their descendants," till it was blown down in 1810. The treaty

¹ Proud, i. 195.

was ratified, and ratifications exchanged. The official document given by William Penn to the Indians, according to Clarkson, being a roll of parchment, on which were inscribed the terms and conditions of the treaty; which, after its contents had been explained to them by the interpreter, "he took up and presented to the chief sachem, and desired him and the other sachems to preserve it carefully for three generations, that their children might know what had passed between them, just as if he had remained to repeat it." That given by the Indians, in ratification of the treaty, being, according to their national custom, the broad belt of peace, with the record of a treaty of peace and friendship woven in its centre, which was, no doubt, delivered to William Penn by the chief sachem, in exchange for the roll of parchment, with all the solemnity the importance of the occasion demanded. The one, from natural causes, has, in course of time, disappeared and perished, as far as we are aware — the other, also, from natural causes, having been preserved in the family of the founder to the present time, is nearly in as perfect a condition as when it was first given.

From the foregoing considerations, I think, sir, that by all the admitted rules of evidence, we come fairly to the conclusion, that this belt of wampum is the Indian record of that remarkable event—the memorial of the "first old council-fire," which, seventy years afterwards, the Indians were invited to come to Philadelphia to rekindle, and to renew the "old first treaties of friendship," the memory of which appears to have been indelibly impressed upon their minds and upon their hearts. And I think, sir, it is to be regarded as a valuable document—not only from its

being thus intimately connected with the earliest history of the settlement of Pennsylvania, but because it is, moreover, a record on the part of the aborigines of the country of the friendly spirit with which the treaty was entered into and concluded between the European settlers and themselves; by which, it rests not alone upon the written testimony of white men, but is confirmed and recorded in their own symbolic language, and in an imperishable material; that Pennsylvania was founded in peace, and in the true catholic spirit of brotherly love, tendered to, and reciprocated by, the Indian in his native forest.

A noble, a glorious superstructure has, under the blessing of Divine Providence, been raised on this foundation, in an incredibly short period of time; and I trust, sir, while the world lasts, the State of Pennsylvania may, under the Divine blessing, continue to flourish, and be distinguished as the "Keystone State" of the Union, not only from her geographical position, and the extent of her resources, but by her eminence in all the public and private virtues which can adorn a Christian community, and which are the best safeguards of national prosperity.

I trust I have sufficiently carried out the intention of the resolution in regard to connecting the Belt with the evidences by which its authenticity may be manifested to future generations, and beg leave, sir, now to place in your hands, which I have great pleasure and satisfaction in doing, this ancient and interesting record, to be preserved amongst the archives of the Historical Society of Pennsylvania.

When Mr. Penn had concluded these remarks, he presented to the presiding officer, to be deposited in the archives of the Society, the Belt of Wampum. It is a belt of the largest size, and made with the neatest workmanship, which is generally found in such as are known to have been used at councils, or in making treaties with the Indians. Its length is twenty-six inches, its breadth is nine inches, and it consists of eighteen strings woven together: it is formed entirely of small beads strung in rows, and made from pieces of clam or muscle shells. These form an entirely white ground: in the centre there is a rude but striking representation, worked in dark violet beads, of two men—the one, somewhat the stouter, wearing a hat; the other, rather thinner, having an uncovered head: they stand erect, with their hands clasped together: there are three bands, also worked in dark violet beads, one at either end, the other about onethird the distance from one end, which may have reference to the parties to the treaty, or to the rivers Delaware, Schuylkill, and Susquehanna.

Mr. Henry D. Gilpin, the Vice-President of the Society, who had remained standing, addressed the following reply to Mr. Penn.

REPLY OF MR. GILPIN TO MR. PENN.

The Historical Society of Pennsylvania have assigned to me the acceptable duty of expressing to you, sir, the profound gratification with which they once more welcome to their Hall, the descendant and representative of the venerated Founder of the Commonwealth.

The illustrious name which you bear is a passport, securing to you a welcome, wherever you may go, in every heart susceptible to the influences of justice, bene-The name of Penn is a passport volence and truth. among all men, who recognise the Divine influence and lessons as the first and sacred motive which is to govern their actions and direct their efforts: who believe that the true foundations of the relation between man and man, political and social, are the enjoyment and security of personal and religious liberty; the preservation of pledged faith, unswerved by the suggestions of interest or ambition; simplicity of manners; diffusion of education; encouragement of industry; and the maintenance of public honour and the pursuit of public prosperity, not by deeds of intrigue or war, but by those of peace.

These were the principles of duty and conduct which filled his heart, satisfied his reason, and guided his actions, even in the days of his youth and early manhood: these he vindicated by his personal exertions and endurance, at an age, and amid associations, and with worldly prospects and advantages, that might well have allured or deterred him from them. Breathing, almost from infancy, the atmosphere of a luxurious and profligate court, he yet felt, obeyed, and openly and fervently acknowledged the influences of an inward monitor, who taught him that the ways of pleasantness were the ways of virtue. Surrounded by a hierarchy whose ascendency and league with the political power of the State had gained new strength by revolutionary reaction, he yet fearlessly taught and claimed the rights of religious freedom. In the shadow of a

triumphant monarchy, supported and encouraged by aristocratic institutions and by classes enjoying deeply-rooted privileges, he promulgated the doctrines of a more simple government, founded on the natural rights and equality of men. In the midst of national antipathies and wars, he still believed that nations and races might be brought together in a common bond of fellowship, to be formed and strengthened by mutual concession, forbearance, and charity.

With his pen, and by his gentle, fervid and impressive eloquence, he illustrated and urged these noble principles of duty and of conduct, in the ardour of his youth and in the energy of his ripening manhood. When he found his efforts must be hopeless, in a world whose long-existing institutions formed an impregnable barrier against them, he looked abroad to the new world beyond the ocean, where serene skies, not yet disturbed by the tumult of human passions, shone upon a virgin land, scarcely trodden, even by a few bands of wandering savages. It seemed to him to be a land reserved for "a holy experiment," where a frame of government might be laid, by the untramelled energies of civilized man, upon the cornerstones of justice, benevolence and reason; where, too, even those few rude and scattered children of the forest might themselves be won-and I use his own touching language, language such as has not often been engrossed on parchments conferring territorial dominion-might be won, "by just and gentle manners, to the love of civil society and the religion of Christ." These are the principles, developed and made conspicuous by the actions of

his life, which have everywhere conferred upon the name of Penn, with the general consent of good men, a lustre than which none is more pure among the benefactors of mankind.

But here, in Pennsylvania, that name is not merely a passport, as it is elsewhere, to the admiration and homage of men. Here it challenges and wins the deepest sympathies of us all, because we are justly proud of a glory in which we claim to share a part, and are grateful for benefits conferred directly upon ourselves.

If the foundation and settlement of Pennsylvania were planned and accomplished upon a system so benignant and just, alike to the red man and the emigrant, as to elicit the praise and wonder of the age, to what was it due but to his promises, made in advance and never swerved from, of just and gentle dealings towards the one, and, to the other, that they should "be governed by laws of their own making, so that they might be a free, and, if they would, a sober and industrious people," possessing "all that good and free men could reasonably desire for the security and improvement of their own happiness?" "Let the Lord," he said, "guide me by His wisdom to honour His name, and to serve His truth and people, so that an example and a standard may be set up to the nations."

If the constitution of our State, now and always, has declared that no right of conscience, and no form or mode of religious worship shall be controlled or interfered with, and requires, in offices of the highest trust, no religious qualification but a belief in the existence of the Supreme Being, and His power to punish or reward our actions, we proudly remember that this glorious principle is foremost in the earliest of our laws, voluntarily proclaimed by Penn before he left the shores of England; and that he, among all legislators, was the first to guarantee, by the enactments of his civil code, the full enjoyment of this Christian liberty to every one living in his province, "who should confess and acknowledge one almighty God to be the creator, upholder and ruler of the world."

If our statute-book stands free, for more than a century and a half, from one word to indicate an act of warlike aggression, except in defence against a foreign foe, we owe it to his early announcement that he regarded justice, and gentleness of manners, and the religion of Christ, as the true basis of civil society.

If our plan of government has always recognized, in its administration, the broadest exercise of popular influence, it is because he so voluntarily framed it at the outset, "having sought," as he said, "with reverence to God and good conscience to men, to the best of his skill, so to contrive and compose his frame and laws of government, as to support power in reverence with the people, and to secure the people from the abuse of power, holding that government alone to be free, where the laws rule and the people are parties to the laws."

If the noblest of all the features in American institutions—the union of these States by a bond of common government—has been and continues to be cherished by our Commonwealth, with unbiassed and unwavering devotion, she remembers that such a union was first suggested

by him; and that, even fifty years before Franklin—next most illustrious of the legislators of Pennsylvania - proposed at Albany his act of confederacy, Penn had prepared, and submitted to the ministers of the mother country, a comprehensive plan for a united government of all the colonies in America. By this plan, a Congress, to consist of deputies from each of them, was to be created, which should meet at least once in two years, and should possess power to adopt the measures most advisable for their common tranquillity and safety; to reconcile all differences that might grow up among themselves; to protect their mutual commerce; to support their union against public enemies; to fix their proportions of general contribution for the benefit of the whole; and to adjust and balance their affairs, in all respects, for the common safety. Such was the plan of the American Union, still existing in the public archives of England, which was proposed and urged by Penn, ninety years before the states and people of America framed our actual Constitution.

If a spirit of emigration, differing essentially from all that had preceded it in the settlement of colonies; which brought voluntarily together, in Pennsylvania, people of European countries, various in languages, habits and race; which blended with the more immediate compatriots of Penn, and with those who entertained his own religious opinions, the peculiar enterprise, and industry, and modes of doctrine and belief of Germany, Switzerland, and France, as well as of Scotland, Ireland and Wales; if this plan of emigration and settlement contributed largely—as who can doubt that it did—to give to our commonwealth, not merely its

unrivalled agriculture, but its substantial, tolerant, fraternal and national patriotism, he cannot forget that this too was a direct consequence of the forethought and efforts of Penn, and of his personal visits, and popular and public intercourse among the people of continental Europe, made by him in anticipation of the settlement of his province; and that, indeed, it was but a feature of his extended political philanthropy, which cherished the hope and belief, and suggested and submitted to the world a plan for the foundation of a common union among all Christian nations, such as would assimilate and combine their interests and intercourse, and ultimately substitute for rivalry and war, the benefits of mutual consultation, forbearance, coöperation, and protection.

In the consequences, evident around us, of this wise forecast, on subjects so various, connected with the future progress and welfare of his colony; and in the wonderful results of a State whose population has risen, in a century and a half, from twenty thousand to three millions of people; where nine millions of acres of land have been brought into successful and profitable cultivation; where the policy he strenuously adopted at the outset, of opening good routes for internal commerce, has been developed in the construction of four thousand miles of turnpike roads, two thousand miles of railways, and one thousand miles of navigable canals; where, for four hundred thousand families there are three hundred and eighty thousand dwellings; where half a million of children are gratuitously taught in public schools, supported by a tax voluntarily and cheerfully paid; and where four thousand churches

have been built and sustained by the contributions of those who worship in them—in these wonderful results may we not believe that the blessing of God, which he invoked, has indeed bestowed upon his honest endeavours even more success than he could himself have foreseen; and is it not a sentiment, alike spontaneous and just, for Pennyslvania to reverence and glory in his name?

To this sentiment our own Society owes its existence. The feeling that, as time is passing by, many interesting memorials of the life and actions of Penn, and many events in the early annals of our State, might sink into oblivion, induced those by whom our association was founded to endeavour to rescue, secure and preserve them. meeting assembled in the humble edifice, yet existing, where William Penn himself dwelt, and on the anniversary of the day when he first landed on our shore, the design of forming such an institution had its origin. A prominent object of its labours has been to collect every memorial that can illustrate the history of his life and actions, present in its true aspect his good, generous and elevated spirit, trace the pleasing incidents of his domestic life, and verify the localities which his residence has made dear to all who venerate his illustrious name. Should I forbear to add, sir, that this Society looks forward to the performance of another duty, when the fitting time shall come, connected with that cherished name; its vindication from assaults recklessly introduced into the page of history that ought to be authentic, by which it has been attempted to stain its purity and virtue? Although errors may be venial in themselves when they are founded on evidence

which, however worthless, may have been thought to be worthy of trust; and although to cite and rely upon unverified authority to sustain harsh and improbable censure, may be the result merely of carelessness or previous prejudices easily satisfied, yet what shall become of the truth and justice of history, when such quotations are perseveringly relied upon after their incorrectness has been proved, and inferences of fact continue to be deduced from them, such as no rules of historical evidence can justify or sustain? When the uncandid story of Penn's life shall have been closed, and the whole array of detraction shall have been marshalled against him, the time will have come when the purity of a fame which, for more than a century, had won unchallenged admiration and honour, not only from his own, but from every Christian nation, shall be easily vindicated from every stain by the brightness of unquestionable truth.

I repeat, therefore, sir, that it is with peculiar pleasure that the Historical Society of Pennsylvania welcome you to their Hall, as the descendant and representative of the venerated founder of the Commonwealth. But I have, on their behalf, to perform towards you a still further duty. I have to thank you, in their name, for now placing among their archives the most valuable record that exists of the most interesting incident in the early story of Pennsylvania; for consigning to our care the Wampum Belt delivered to William Penn by the Indian chiefs, when the memorable treaty between them was ratified under the Elm Tree at Shackamaxon. That treaty—promised and announced before he came—he desired to ratify

according to those primeval forms which the red men of the American forest would regard as most sacred and irrevocable; forms adopted before the stranger from beyond the Atlantic had introduced the subtleties of written covenants, from the language of which meanings might be extorted, to which the simpler symbols of a ruder diplomacy could not be perverted.

The treaty of Shackamaxon—"the treaty not sworn to and never broken"—is the beacon-spot in the history of Pennsylvania, most conspicuous in her early annals. At the dawn of every people's history, there seems to be some characteristic incident forever remembered and cherished. The legend of Athens never ceased to keep in lively remembrance the promise of protection, given by the Goddess of wisdom, intelligence and courage, on the rude rock beneath which the future city was to grow, and the olive tree that she planted there, as the token of her promise, was guarded and encircled with monuments of art, taste and beauty, which still, even in their ruins, win the admiration of the world. The laws inspired by Egeria at her sequestered fountain, which were to form from a band of robbers the mighty Roman race; the league framed by the three bold spirits of Switzerland, in the sequestered Alpine meadow of Grutli; the charter of liberty extorted from their perfidious sovereign, by the armed barons of England, on the island of Runnymede, are events of national story that have loomed out more largely as time has rolled on; and, with us, the first memorable treaty of Penn has become more reverenced with each succeeding year, as having founded the government under

which we live, on the corner-stones of justice and peace.

A treaty not authenticated by a written and cotemporary record, but negotiated and ratified with forms more acceptable to the unlettered savages, whose friendship was to be won, and whose rights and welfare were to be secured, still rests, after more than one hundred and seventy years, on an unbroken and unvarying tradition; but the incidents in relation to it which have, from time to time, been successively developed, verify and never contradict it.

The scene itself is described in the cotemporaneous letters of William Penn. He describes the strange assemblage collected in the open air, upon the river's shore; the aged Indians were seated, as he spoke to them, in a crescent on the ground; the middle-aged were grouped behind them; the young were collected together still beyond. Often did the Indians, in succeeding years, say to the venerable Heckewelder: "William Penn, when he treated with us, adopted the ancient mode of our ancestors, and convened us under a grove of shady trees, where the little birds on the boughs were warbling their sweet notes." Old men who had lived from their youth at Shaekamaxon, and often sat beneath the wide-spreading branches of the elm tree, which there stood on the bank of the Delaware, have recorded the uncontradicted belief of the whole neighbourhood, that this spot was the site of the impressive and well-remembered scene which Penn has thus described. When, in the year eighteen hundred and ten, the noble tree was overthrown by the violence of a storm, the circles of annual growth which its trunk exhibited, then indicated an age of two hundred and eighty-three years. Within a short time afterwards, a monument was erected to mark the spot where the tree had stood. It was among the earliest labours of this Society to collect, and it has preserved among its archives, all the evidence which could be found to illustrate the facts connected with the event; and, but a few years since, at the instance of one of its members, the Legislature of Pennsylvania dedicated the ground to the public use, so that it may remain open forever to commemorate the interesting occurrence.

The general objects and provisions of the "GREAT TREATY," as it was always called, were also well known. To create in the savage nations a love of civilized society, by just and gentle means, had been one among the motives for which Penn solicited permission to found his colony "in parts of America not yet cultivated and planted," and it formed a stipulation in his charter, suggested and accepted by himself. With those desirous to purchase lands and to emigrate before the regular organization of the province, he made it a condition of their settlement that they should leave the poor natives to do all things, relating to the improvement of their ground and the support of their families, which the settlers might themselves do; that they should not overreach them in trade, but sell all articles to them openly in the market-place, so that if not good they should not be sold for good, nor the natives abused; and that if they should, by any ways or means, in word or deed, wrong an Indian, they should suffer the same penalty as if they had so done to a fellow-planter. To the commissioners whom he sent out to make the first arrangements for settlement, he said: "Be tender to the Indians. Soften them to me and the people. Let them know that you are come to sit down lovingly among them. them, in their own tongue, the conditions made with the purchasers, that they shall deal justly with them. a friendship and league with them according to those conditions, which carefully observe." To the natives themselves -- "who believe a Deity and immortality without the help of metaphysics"—he writes: "God, to whom you and I and all people owe their being, has written His law in our hearts, by which we are commanded to love, and to help, and to do good to one another. Now this great God hath been pleased to make me concerned in your part of the world, and the king of the country where I live hath given me a great province therein; but I desire to enjoy it with your love and consent, that we may always live together as neighbours and friends. I desire to win and gain your love and friendship by a kind, just, and peaceable life, and the people I send are of the same mind, and shall in all things behave themselves accordingly, I shall shortly come to you myself, when we may more largely and freely confer and discourse of these matters." Again he wrote to them, by Thomas Holme: "When the great God brings me among you, I intend to order all things in such a manner that we may all live in love and peace, one with another, which I hope the great God will incline both you and me to do. I seek nothing but the honour of His name, and that we, who are His workmanship, may do that which is well pleasing to Him. I have

already taken care that none of my people wrong you, by good laws I have provided for that purpose. If anything should be out of order, expect, when I come, it shall be mended. So I rest in the love of God that made us."

These were the promises to be explained by Penn in person; these were objects of the league to be formed, in the assembled council of the natives and the settlers, beneath the elm tree at Shackamaxon. By him they were there explained, with all the truth and fervent piety of his heart; by the red men they were assented to and ratified, with the rude and expressive sincerity of uncultivated nature. The sachem, who spoke on their behalf, promised that they would live in peace with William Penn and the people under his government, and never would do wrong to him or his. At every sentence the surrounding assembly shouted in response. "The Indians and the English," they exclaimed, "must live in love as long as the sun gives light." The covenant, on both sides, was faithfully kept. Until long after the death of Penn, confiding intercourse and unbroken peace characterized all the relations between the white and the red men of Pennsylvania.

What tradition and partial notices had thus preserved, in explanation of the incidents and objects of this memorable treaty, recent researches have augmented and confirmed. Within a few years past, an official record, brought to light with many others from the early archives of the colony, has enabled us to ascertain, in lieu of this partial and general knowledge, the actual articles which were embraced in this league of peace.

When, many years after this solemn meeting, the Indians heard of the death of William Penn, they mourned with the deepest grief the loss of their beloved father, protector and friend. Though he had been long absent from the province, they believed that it was his watchful care which had maintained, in good faith, the early pledges of justice and love. They had heard the war-whoop resounding beyond their borders, in the fierce conflicts between the red men and the white; but among the mountains and valleys of Pennsylvania the door of the wigwam had always been left unfastened, and the corn had been planted, and the beaver had been trapped, in security and They were anxious that these kindly relations of six-and-thirty years should not be impaired by his death. They came to Logan, "their old friend, with whom they had been acquainted for twenty years;" they reminded him that "William Penn had made a League with them to last for three or four generations; that they had lived quiet and in peace, and when the sun set they slept in peace, and in peace they rose with him, and would so continue while he continued his course; that now William Penn was dead, and most of their old men were dead, but the League still remained, and they wished to renew and strengthen it with their friend, who had always represented William Penn to them since he had left them; that one generation might die and another might die, but the League of Friendship continued strong, and should forever continue so, on their part." The poor people, Penn had said long before, "are light of heart, but their affections are strong." They thought, too, of his widow, now made

desolate, as well as of themselves. They be sought Logan to convey to her their words of condolence and sorrow. They brought with them a garment of soft furs, to be sent to her in their own name, that she might wear it "in the thorny wilderness through which she was to travel," now that he was gone.

At length Governor Gordon, the first governor who came from England after the death of William Penn, arrived in the province. He assembled the Indians in council at Conestoga, and allayed their apprehensions. He told them that William Penn had continued his kind love for them until his death. He assured them that his sons, in whose name he came, had strictly charged him to love the Indians like brethren, and as their father had done. He reminded them that when William Penn first brought his people with him over the broad sea, he "took all the Indians and old inhabitants by the hand, and because he found them a sincere and honest people, he took them to his heart and loved them as his own, and · made a strong league and chain of friendship with them, by which it was agreed that the Indians, and the English, and all the Christians, should be as one people." "I know," he said, "that you preserve the memory of these things among you by telling them to your children, and they again to the next generation, so that they remain stamped on your minds never to be forgotten. I now speak to you of the League and Chain of Friendship first made by your father William Penn, which is confirmed. The chief heads or strongest links of this chain, I find are these nine, as follows:

"First. All William Penn's people, or Christians, and all the Indians, shall be brethren, as the children of one father, joined together as with one heart, one head, and one body.

"Second. All the paths shall be open and free to both Christians and Indians.

"Third. The doors of the Christians' houses shall be open to the Indians, and the houses of the Indians shall be open to the Christians, and they shall make each other welcome, as their friends.

"Fourth. The Christians shall not believe any false rumours or reports of the Indians, nor the Indians believe any such rumours or reports of the Christians, but shall first come as brethren to inquire of each other; and both Christians and Indians, when they hear of any such false reports of their brethren, shall bury them in a bottomless pit.

"Fifth. If the Christians hear any ill news that may be to the hurt of the Indians, or the Indians hear any such ill news as may be to the hurt of the Christians, they shall acquaint each other with it speedily, as true friends and brethren.

"Sixth. The Indians shall do no manner of harm to the Christians, nor their creatures, nor shall the Christians do any hurt to the Indians, but each treat the other as their brethren.

"Seventh. As there are wicked people in all nations, if either Indians or Christians shall do any harm to each other, complaint shall be made of it by the persons suffering, that right may be done; and, when satisfaction is made, the injury or wrong shall be forgotten and buried in the bottomless pit.

"Eighth. The Indians shall in all things assist the Christians, and the Christians shall assist the Indians, against all wicked people that would disturb them.

"Ninth. Both Christians and Indians shall acquaint their children with this league and firm chain of friendship made between them, and it shall always be made stronger and stronger, and be kept bright and clean, without rust or spot, between our children and children's children, while the creeks and rivers run, and while the sun, moon, and stars endure."

Tawenna, the Conestoga Sachem, replied in the name and on behalf of all the Indians of the several tribes, who were present. "Since our first friendship with William Penn," he said, "we never have received any wrong or injury from him, or any of his people; foolish people among us have committed follies, but we hope these will never interrupt the friendship that is between us, for we and all William Penn's people are as one people that eat, as it were, with one mouth, and are one body and one heart."

Thus are the site and the attendant incidents of the treaty known; thus are the object and actual articles of the compact made certain. One act alone appeared to be wanting, to show that it had been adopted and ratified with the most solemn sanctions. The evidence of that act you, sir, have now supplied. You have placed in our hands the expressive symbol by which Indian confidence was secured, and Indian faith irrevocably pledged. Like

the memorial column raised in patriarchal days, the Belt of Wampum, delivered and received, made the promise that accompanied it immutable with the red man, as long as the symbol was voluntarily kept. "These belts that we give you," said the Oneidas to Governor Lloyd, "are after the fashion of a pledge to the answer of what we have spoken to you." With the importance of the event it was intended to commemorate, the belt was enlarged by successive rows; and, on occasions of peculiar solemnity, rude pictures were embroidered upon it, which served to designate and preserve, in yet stronger recollection, the important object of the compact.

When the Nanticokes desired to terminate the bloody feud that had grown up between the Delawares and themselves, their messenger sought out Teedyuscung, the most revered of the Delaware sachems, whose dwelling was among the Kittatinny hills. "Brother," said the messenger, "the chief man of the Nanticokes has sent me here; he has bid me to wipe from your eyes the tears which these troublesome times may have occasioned, and I do it with this string of wampum. Brother, since these troubles arose, you may have swallowed some thing bitter which has given your heart uneasiness; with this string of wampum I remove all grief from your heart, that your mind may be as easy as in times of peace. blood has been spilt; with this string of wampum I clean the blood from off your beds, that you may sleep easily; and from off your council-seats, that you may sit with pleasure in council with your brethren. Brother, I am come here to this council-fire to gather together the dead

bodies and the scattered bones, and to join with you in prayers to the Good Spirit; and when peace is made, I will put both my hands into the chain of friendship; to confirm my words, I give you this string of wampum."

When Washington, then but a youth of twenty-one, was entrusted by the Colonial Governor of Virginia with a mission to the western wilds of Pennsylvania, where the French from Canada were then penetrating, and had already established, as was believed, four posts within our limits, and were seeking to unite the natives in alliance against us, he arrived at the banks of the Ohio, having made the journey—let me say in parenthesis—from the capital of Virginia in five-and-twenty days, the rate of travelling thither in those times. Gathering the Indians around him, he found that such an alliance had indeed been formed. He found that they had exchanged with the French, as its solemn symbol, a wampum belt, on which four houses were rudely embroidered — the representations of the posts which were to be defended, even at Influenced by his remonstrances, the the risk of war. Indian sachems consented to withdraw from the alliance; but they declared that the belt of wampum must be returned before the agreement could be abolished; and one of the sachems repaired to the French commander in order to restore to him the token of the warlike compact, and to proclaim the intention of the red men to take no part in the impending struggle.

This Wampum Belt which you now place in our archives—this symbol of a peaceful and confiding alliance—never was recalled, nor its counterpart returned. Embroidered

with the rude but significant emblem which describes the nature, and proclaims the importance of the compact it was meant to bind—the clasped hands of Penn and an Indian chief—it has been preserved, as it was delivered, nearly two centuries ago. By Penn it was carried to England, and retained by him as a cherished memorial of the event ever present in his_thoughts, up to the last moment of his life. When the Indians heard of and bewailed his death, they exclaimed, that the covenant chain made between them still remained untarnished, and they only besought that the compact made at Shackamaxon should be kept by his successors, through all future time, as he had kept it.

But as that future time has since rolled on, how have all the relations of the past been changed! No red men now survive to appeal to the promises of their benevolent father, and to exhibit the symbol of perpetual peace. Had the Indian still lingered in his ancient seat, no descendant or representative of Penn would now renew or brighten with him that covenant chain. The event and its memorials, the compact and its rude solemnities, have long ceased to affect the slightest portion of those busy interests that now animate the spot, of which they were once the features most conspicuous. The sloping margin of the Delaware, with the site of its venerable elm, and the treaty made beneath its spreading branches, take their place in human story with the olive tree of Athens on her rocky citadel, with the fountain of Numa, the meadow of Grutli, the island of Runnymede, and the memorable events of which they were the scenes; and

when you, sir, come to us, bearing this memorial, after every purpose it was meant to secure, has faded from existence, we welcome you, not only as one who has guarded a trophy that honours the memory of him from whom it has descended to you, but because we are proud and grateful to receive it, on behalf of the people of Pennsylvania, to whom it so appropriately belongs; not, indeed, as the pledge of a compact they can now be called on to fulfil, but as the evidence and symbol of the Christian spirit in which their institutions were laid at the first, and of the enduring obligations of benevolence and justice which they have inherited with them.

On the conclusion of the remarks of the presiding officer, Mr. Penn was presented, and the interesting Indian memorial was exhibited to the members of the Society and the invited guests who were present; after which the meeting adjourned.

GEORGE W. NORRIS,
J. DICKINSON LOGAN,
WILLIAM SHIPPEN, JR.,
RICHARD PENN LARDNER,
JOHN JAY SMITH,
ISRAEL PEMBERTON.

PHILADELPHIA, May 25, 1857.

WILLIAM PENN'S FIRST LETTER TO THE INDIANS.

18 OCTOBER, 1681.

[On the 10th of October, 1681, William Penn appointed three commissioners to proceed to Pennsylvania for the settling of the colony. They were to act with Markham, who was already there, in regard to the location of the city of Philadelphia and the treatment of the Indians. The following letter was written by Penn, and sent by the commissioners to be read to them. It was written on paper, with ruled lines, and in a more formal hand than usual.]

LONDON, 18th of 8th Month, 1681.

My FRIENDS - There is one great God and power that hath made the world and all things therein, to whom you and I, and all people owe their being and well-being, and to whom you and I must one day give an account for all that we do in the world. This great God hath written his law in our hearts, by which we are taught and commanded to love and help, and do good to one another, and not to do harm and mischief one to another. Now this great God hath been pleased to make me concerned in your parts of the world, and the king of the country where I live hath given unto me a great province; but I desire to enjoy it with your love and consent, that we may always live together as neighbours and friends; else what would the great God say to us, who hath made us not to devour and destroy one another, but to live soberly and kindly together in the world? Now I would have you well observe, that I am very sensible of the unkindness and injustice that hath been too much exercised towards you, by the people of these parts of the world, who sought themselves, and to make great advantages by you, rather than be examples of justice and goodness unto you, which I hear hath been matter of trouble to you, and eaused great grudgings and animosities, sometimes to the shedding of blood, which hath made the great God angry. But I am not such a man, as is well known in my own country. I have great love and regard towards you, and I desire to win and gain your love and friendship, by a kind, just, and peaceable life; and the people I send are of the same mind, and shall in all things behave themselves accordingly; and if in any thing any shall offend you or your people, you shall have a full and speedy satisfaction for the same, by an equal number of just men on both sides,

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that by no means you may have just occasion of being offended against them. I shall shortly come to you myself, at which time we may more largely and freely confer and discourse of these matters. In the mean time, I have sent my commissioners to treat with you about land, and a firm league of peace. Let me desire you to be kind to them and the people, and receive these presents and tokens which I have sent to you, as a testimony of my good will to you, and my resolution to live justly, peaceably, and friendly with you.

I am your loving friend,

WILLIAM PENN.1

WILLIAM PENN'S SECOND LETTER TO THE INDIANS.

21 APRIL, 1682.

[On the 18th of April, 1682, William Penn appointed Thomas Holme to be the Surveyor-General of Pennsylvania, and instructed him to proceed thither with all reasonable expedition. The following letter to the Indians was written by Penn, and sent by Thomas Holme to be read to the Indians by him. This he did, by means of an interpreter, on the 6th of August, 1682. The letter itself is in the possession of Mr. Benjamin Ferris, of Wilmington, Delaware, who has announced his intention to place it among the archives of this Society.]

The Great God who is the power and wisdom that made you and me Incline your hearts to Righteousness, Love and peace. This I send to Assure you of my Love, and to desire your Love to my ffriends, and when the Great God brings me among you, I intend to order all things in such manner that we may all live in Love and peace one with another, which I hope the Great God will Incline both me and you to do. I seek nothing but the honor of his name, and that we who are his workmanship, may do that which is well pleasing to him. The man which delivers this unto you, is my special ffriend, sober, wise and Loving, you may believe him. I have already taken Care that none of my people wrong you, by good Laws I have provided for that purpose, nor will I ever allow any of my people to sell Rumm to make your people Drunk. If any thing should be out of order, expect when I come, it shall be mended, and I will bring you some

¹ Hazard's Annals, 532.

things of our Country, that are useful and pleasing to you. So I rest In ye Love of our god yt made us.

England, 25 2 mo: 1682.

I am

Your Loveing friend,

WM. PENN.

I read this to the Indians by an interpreter the 6 mo. 1682.

THO: HOLME.

WILLIAM PENN'S THIRD LETTER TO THE INDIANS.

21 JUNE, 1682.

[On the 24th of March, 1682, William Penn created the "Free Society of Traders," for the better improvement of trade in the province of Pennsylvania. The following letter to "the Emperor of Canada," or the principal chief of the Indians, residing along the northern frontier of the province, was written by Penn, and delivered to the Society, to be sent to him by a special messenger, which was accordingly done.]

The great God that made thee and me, and all the world, incline our hearts to love peace and justice, that we may live friendly together, as becomes the workmanship of the great God. The King of England, who is a great prince, hath, for divers reasons, granted to me a large country in America, which, however, I am willing to enjoy upon friendly terms' with thee; and this I will say, that the people who come with me are a just, plain, and honest people, that neither make war upon others, nor fear war from others, because they will be just. I have set up a society of traders in my province, to traffic with thee and thy people, for your commodities, that you may be furnished with that which is good, at reasonable rates; and that society hath ordered their president to treat with thee about a future trade, and have joined with me to send this messenger to thee with certain presents from us, to testify our willingness to have a fair correspondence with thee, and what this agent shall do in our names, we will agree unto. I hope thou wilt kindly receive him, and comply with his desires on our behalf, both with respect to land and trade. The great God be with thee. Amen. WILLIAM PENN.

Philip Theodore Lehnman, secretary.

London, the 21st day of the 4th month, called June, 1682.2

¹ Hazard's Annals, 585.

² From a copy taken from the original manuscript in the Land-Office at Harrisburg, certified by S. Workman, among the MSS. of Penns. Hist. Soc. Reg. Penns. ix. 112.

SECRETARY LOGAN'S CONFERENCE WITH THE INDIANS.

27 JUNE, 1720.

[On the 30th of July, 1718, William Penn died at Ruscombe, in Berkshire, Sir William Keith being at that time Governor of the Province of Pennsylvania, and James Logan a member and secretary of the Board of Provincial Council. Some trouble having arisen among the Indians, and some fears existing on their part in regard to the continuance of the friendly relations that had existed during the lifetime of William Penn, a conference was held with them by James Logan at Conestoga, and a report thereof made by him to the Board of Provincial Council.]

At a Council held at Philadelphia, July the 12th, 1720.

PRESENT;

The Honourable WILLIAM KEITH, Esqr. Governour Richard Hill,

Jonathan Dickinson,
Isaac Norris,

James Logan,
Samuel Preston.

James Logan, Secretary, reported to the Board; That having lately acquainted the Governour that he had occasion to go towards the farther End of the Great Valley, on the Road to Conestogoe, the Governour had desired him not to fail to proceed to Susquehannah, and their discourse with the Indians concerning their late message to him, excusing their not coming to Town, as had been proposed, by Reason of some Trouble they were under, through the Loss of some of their men slain by the Southern Indians; and thereupon desiring the Governour to come up to them. That accordingly he went, and finding the Indians desirous to speak with him, he appointed the 27th of last month. That the Chiefs of the Mingoes or Conestogoe Indians, the Sachem or Chief of the Shawanese, the Chief of the Ganawese, with several of their People, and some of the Delawares, met him on the said Day at John Cartlidge's, and being all sate, Peter Bizallion and John Cartlidge being Interpreters, James Logan first spoke to the Indians, telling them, That as they had been long expected at Philadelphia, in pursuance of their own Messages for that purpose, but instead of coming, had lately sent to the Governour, desiring for some Reason that he wou'd come up to them, He, their old Friend, with whom they had been

acquainted in their Treaties for twenty years past, being now come upon Business into these parts, was willing to hear from themselves, not only how it was with them, but the Occasion also of their delaying their Journey to Philadelphia so long, and at length sending the said Message to the Governour. They hereupon sate silent for some time without appearing ready to speak to any thing; and, making no Return, the Secretary press'd them to answer him, telling them that he ask'd these Questions in behalf of the Governour and Government; that they themselves had appeared desirous to speak to him, and that as they now had an Opportunity, they ought to proceed and speak their minds freely. To which at Length they answered, that there had been lately killed by the Southern Indians twelve men, ten of the Mingoes or Five Nations and two Shawanese, about one hundred and sixty miles from that place, which was the Occasion of their sending that message. James Logan ask'd them whether these two Shawanese had been abroad hunting, They answered No; they had gone out to War. He then demanded the Reason why they would offer to go to War, after their Solemn Promises to our Government to the contrary. The Chief of the Shawanese replied, that a Dispute arising among some of their young men, Who was the best man, to end it, they resolved to make the Tryal by going out to War; that they could not be restrained, but took the opportunity of accompanying some of the Five Nations that were going out, and took their Road that way.

The Secretary told them he should have a great deal to say to them on these Heads, and that the Day being now far advanced, he must desire them to meet him in the same place in the morning, and then treating them to some Drink, they withdrew.

Next morning, the same Persons attended, bringing some Bundles of skins with them, From whence it was conjectured that the Indians designed to begin a Discourse. All being seated, after some time spent in silence, the Mingoes or Conestogoe Indians began. A Ganawese Indian, who called himself Captain Smith, and is said to speak all the several Languages, viz: his own or the Ganawese, the Mingoe, the Shawanese and Delaware, to perfection, being appointed Interpreter into the Delaware Tongue; and Peter Bazillon and John Cartlidge interpreting that into English. They spoke as follows, viz.:

That the last year, Colonel French came to them on a Message from the Governour to inquire into their Health, and how it was with them, their Children and Grand children.

That they were not then ready to give an Answer to all that He said to them, but that now they would speak freely from the bottom of their Hearts, and their Friend might depend on not having words Only, but their truest inward Sentiments without Reserve; And then they laid down a Bundle of undrest Deer Skins.

That Colonel French and those with him told them from the Governour, that the message the Governour sent them, and the Advice he gave them, was from his Heart, and for their Good, and they would as freely speak from their Hearts. The Governour advised them to go out no more to War, nor to joyn with any of the Five Nations or others that went out for that purpose, but to live at Peace with all People, and if any Prisoners were brought to their Towns, they should not suffer them to be burnt or tortured; That though some of their People were Killed once or again, yet they should not go out, but bear it, but the third time they might all go out as one man together; That this they thought was somewhat too hard upon them, if they must be confined as Prisoners at home, and could not go to meet their Enemies that came against them.

That when Governour Penn first held Councils with them, he promised them so much Love and Friendship, that he would not call them Brothers, because Brothers might differ; nor Children, because these might offend, and require Correction; but he would reckon them as one Body, one Blood, one Heart, and one Head. That they always remembered this, and should on their parts act accordingly. That few of the old men who were at those Councils were living; these were removed, and those who were then very young, are now grown up to succeed, but they transmitted it to their Children, and they and all theirs should remember it forever. That they regarded not Reports or what was said abroad; their Head was at Philadelphia, and they were one with him, on him they depended that they should Know every thing that concerned them.

The Ganawese, in behalf of their People, say, They are glad that they never hear any thing from the Government at Philadelphia, but good Advice and what is for their Advantage; That their present Chief was once at a Council with William Penn before they removed into this province, and that since they came into it, they have always lived quiet and in Peace, which they acknowledge, and are thankful for it; That the Advice that is sent them is always so much for their good, that they cannot but gladly receive it; when the sun sets, they sleep in Peace, and in Peace they rise with him, and so continue while he continues his course, and think themselves happy in their Friendship, which they shall take Care to have continued from Generation to Generation. And that as it shall thus forever continue on their side; So they desire the same may continue on the Governour's part, and that if any Reports should be heard concerning them, they desire it may not be believed to their Disadvantage, for they will still be true and the same they at first professed themselves. They then lay down a Bundle of Deer Skins.

The Conestogoes say, That William Penn made a League with them to last for three or four Generations; That he is now dead, and most of their ancients are also dead, but the League still remains, and they now take this Opportunity to renew and strengthen it with their Friend, who has always represented William Penn to them since he left them; One Generation may die, and another may die, but the League of Friendship continues strong and shall forever continue so on their part. And this is not said on behalf of themselves, the Mingoes only, but of all the Indians on the Rivers, And they give another Bundle of Deer Skins.

Captain Civility throws down a small Bundle of Furs and says, that they all joyn and send that as a present to the Governour to make him a Beaver Hatt. They say in behalf of the Ganawese, that they have no Writing to show their League of Friendship as the others have, and therefore desire they may be favoured with one, lest, if they should transgress by Reason of Rum, which is brought to them in too large Quantities, they may be cast off and forgotten that ever they were in friendship with us.

The Indians being met again, after some Refreshments, the Secretary spoke to them as follows:

It must be a great Satisfaction to all honest and good men, to find that the measures that great man, William Penn, took to establish a firm Friendship with you has had such excellent Success. Your Predecessors and you always found him sincere in what he professed. He always ordered all those in power during his Absence to show you all the like Friendship and affection. Every Governour that came has been the same to you, and the present Governour, Colonel Keith, showed the same Disposition immediately upon his arrival, by hastening up to you with his Council and many of his Friends, as soon as he heard you were in Trouble.

You on your parts have been faithful and true to us. Whatever Reports might be spread, yet the Chain was still preserved strong and bright. You never violated it. We have lived in Perfect Peace and Unity above any other Government in America, And your renewing the Chain at this time upon the Decease of your great Friend, with us who remain alive, is so affectionate and kind that I shall not fail to represent it duly to the Governour and your good Friends in Philadelphia. This Chain has been made near forty years agoe. It is at this time strong and bright as ever, and I hope will continue so between our Children and your Children, and their Children's Children to all Generations, while the water flows or the sun shines in the Heavens; And may the great Spirit who rules the Heavens and the Earth, and who made and supports us all, who is a Friend to all good men who love Justice and Peace, continue the same Blessing upon it forever.

GOVERNOR GORDON'S CONFERENCE WITH THE INDIANS.

26 MAY, 1728.

[On the 22 June, 1726, Governor Gordon arrived in the province with a commission from Springett Penn, the grandson and heir of William Penn. Some trouble having arisen "by reason of some rude insults from a few strange Indians who ranged among the inhabitants" of the province, and some anxiety existing among those who relied on the continuance of the protection and friendship exhibited towards them during the life of William Penn, Governor Gordon appointed a council to be held with them at Conestoga, to which place he repaired in person.]

At a Council held at the Indian Town of Conestogoe, May 26th, 1728

PRESENT:

The Honble PATRICK GORDON, Esqr., Lieut. Govr. Some Members of Council and divers other Gentlemen.

PRESENT ALSO:

Ganyataronga, Chiefs of the Conestoga Indians. Tawenna, Tanniatchiaro, Taquatarensaly, alias Capt. Civility, Oholykon, Chiefs of some of the Delaware Indians on Brandywine Peyeashickon, Wikimikyona, Howickyoma, Skayanannego, Chiefs of the Ganawese Indians. Onneygheat, Nanamakamen, Peyhiohinas, Weysow-walow, Weysow-walow,
Keyscykakalow,
Chiefs of the Shawanese. Nichtamskakow, Shakawtawlin or Sam, Interpreter from the English into the Delaware.

Shakawtawlin or Sam, Interpreter from the English into the Delaware. Captain Civility, Interpreter from the Delaware into the Shawanese and

Mingoe (alias Conestogoe).

Pomapechtoa, Interpreter from the Delaware into the Gawanese Language.

Mr. Nicholas Scull,
Mr. John Scull,
Mr. Peter Bizallion,

Assistant Interpreters.

The Governour spoke as followes:

"My Friends and Brethren:

"You are sensible that the Great William Penn, the Father of this Countrey, when he first brought his people with him over the broad Sea, took all the Indians and the old Inhabitants by the hand, and because he found them to be a sincere honest people, he took them to his heart and loved them as his own. He then made a strong League and chain of Friendship with them, by which it was agreed that the Indians and the English, with all the Christians, should be as one People.

"Your Friend and Father William Penn still retained a warm affection for all the Indians, and strictly commanded those whom he sent to govern this people to treat the Indians as his children, and continued in this kind love for them until his death.

"His sons have now sent me over in their stead, and they gave me strict charge to love all the Indians as their Brethren, and as their father William Penn loved you. I would have seen you before this time, but I fell sick soon after I came over, and continued so till next Spring. I then waited to receive some of the five Nations who came to see me at Philadelphia, and last Fall I heard you were all gone out a hunting.

"I am now come to see you, and to renew the ancient Friendship which has been between William Penn's People and you. I was in hopes that Sassoonan and Opekasset, with their People, would have been likewise here; they have sent me kind Messages and have a warm Love for the Christians. I believe they will come to me at Philadelphia, for since they could not gett hither I have desired them to meet me there.

"I am now to discourse with my Brethren, the Conestogoes, Delawares, Gawanese and Shawanese Indians upon Susquehannah, and to speak in Love to them.

"My Brethren:

"You have been faithfull to your Leagues with us, your Hearts have been clean, and you have preserved the Chain from Spotts or Rust, or, if there were any, you have been carefull to wipe them away; your Leagues with your Father William Penn, and with his Governours are in Writing on Record, that our Children and our Children's Children may have them in everlasting Remembrance. And we Know that you preserve the memory of those things amongst you by telling them to your Children, and they again to the next Generation, so that they remain stamp'd on your Minds never to be forgott.

"The Chief Heads or Strongest Links of this Chain I find are these Nine, viz:

1st. "That all William Penn's People or Christians, and all the Indians should be brethren, as the Children of one Father, joyned together as with one Heart, one Head and one Body.

2d. "That all Paths should be open and free to both Christians and Indians.

3d. "That the Doors of the Christians Houses should be open to the Indians and the Houses of the Indians open to the Christians, and they should make each other welcome as their Friends.

4th. "That the Christians should not believe any false Rumours or Reports of the Indians, nor the Indians believe any such Rumours or Reports of the Christians, but should first come as Brethren to enquire of each other; And that both Christians and Indians, when they hear any such false Reports of their Brethren, should bury them as in a bottomless Pitt.

5th. "That if the Christians hear any ill news that may be to the Hurt of the Indians, or the Indians hear any such ill news that may be to the Injury of the Christians, they should acquaint each other with it speedily as true Friends and Brethren.

6th. "That the Indians should do no manner of Harm to the Christians nor their Creatures nor the Christians do any hurt to any Indians, but each treat the other as their Brethren.

7th. "But as there are wicked People in all Nations, if either Indians or Christians should do any harm to each other, Complaint should be made of it by the Persons Suffering that Right may be done, and when Satisfaction is made, the Injury or Wrong should be forgott and be buried as in a bottomless Pitt.

8th. "That the Indians should in all things assist the Christians, and the Christians assist the Indians against all wicked People that would disturb

9th. "And lastly, that both Christians and Indians should acquaint their Children with this League and firm Chain of Friendship made between them, and that it should always be made stronger and stronger and be kept bright and clean, without Rust or Spott between our Children and Children's Children, while the Creeks and Rivers run, and while the Sun, Moon and Stars endure.

"And for a Confirmation on our Parts of all these several Articles, We bind them with these Several Parcels of Goods, viz:

20 Strowd Matchcoats,

20 Duffells,

20 Blanketts,

20 Shirts,

1 Cwt. of Gunpowder,

2 Cwt. of Lead,

500 Flints,

50 Knives,

After which the Governour proceeded and said.

"My Brethren:

"I have now spoke to the League and Chain of Friendship, first made by your Father William Penn with your Fathers, which is confirmed. I am now to acquaint you with an unhappy Accident that has afflicted me and all good People amongst us, and we lament and mourn with you on the heavy Misfortune.

"About forty days agoe we heard that the Twechtweys were coming as Enemies against this Countrey. I believe it is false, for we never hurt the Twechtweys; And about eighteen Days since I received an Express from the Iron works at Mahanatawny, acquainting me that Eleven forreign Indians, painted for War, and armed with Guns, Pistoles and Swords, were come amongst our Inhabitants, plundering them and taking away their Provisions by Force, whereupon some of our People, to the number of twenty men, with Arms, went to speak to them Civilly, but the Indians fired upon them and wounded some of them; Our men likewise fired on the Indians and wounded some of them also, but the Indians fired first. It was very ill done to fire.

"As soon as I had this Account I took horse and went to Mahanatawny with several Gentlemen of Philadelphia, but the Indians were gone off. I found our People believed there were more coming, and therefore some Hundreds mett together with their Arms to defend themselves in case the Indians should attack them.

"As I was returning home I heard news that grieved me exceedingly. I was told that two or three furious Men amongst us had Killed three or four Indian Friends and hurt two Girls. I went back mourning, and sent out Men to take the Murtherers, who were accordingly taken, and they are now in Irons in a Dungeon to be tried by the Laws of the Great King of all the English, as if they had Killed so many of his own Subjects. I have likewise caused Search to be made for the dead Bodies, and two Women were found murthered, who by my order were laid in a Grave and covered with Shirts and Strowds. I hear likewise that the dead Body of an Indian man has been found and is buried.

"You know there are wicked People among all Nations; there are ill People amongst you, and you are sometimes forced to putt them to Death. The English are a great People, and there are likewise wicked men amongst them. I mourn for this Misfortune, and will do all I can to comfort the Relations of the Dead when I see them, which I hope will be at Philadelphia with Sassoonan and Opekasset.

"About eight months agoe I received an account that an English man was Killed by some Indians, at the House of John Burt, in Snake town.

I heard John Burt was very abusive to the Indians, and I sent to apprehend him, but he fled; if he can be taken he will be punished. But since there was a Man Killed, we expect the Indians will doe us Justice by apprehending the Murtherers that they may be punished, for we must be just and faithfull to each other, that this Spot may be wiped away and the Chain be kept bright and clean.

"You know, My Brethren, that one Link of the Chain is, that when the Indians are uneasy they should tell it to us, and when we are uneasy we will tell it to them. I therefore desire your Hearts may be open, that I may know if you have any Cause of Grief which I will endeavour to remove, for I am your Brother.

"I have issued a Proclamation requiring all our People to use you well, which shall be read unto you before I goe away. I will prevent any Hurt being done to our Friends the Indians, because those who do not behave themselves agreeably to what is therein commanded, will be severely punished.

At a Council held at the Indian Town of Conestogoe, May 27th, 1728.

PRESENT:

The Honble PATRICK GORDON, Esqr., Lieut Governr.

And the same as before.

TAWENNA, in the Name, and on the Behalf of all the Indians present, spoke to the Governour, which was rendered into English by John Scull, Interpreter, and is as follows:

Give Ear my Brethren of Philadelphia, the Conestogoe Indians, the Shawanese, the Ganawese and Delawares have somewhat to say, which they will speak presently.

They say they look upon the Governour as if William Penn himself were present. They are four Nations and among them there are several foolish People, as if they were just sprung from the Earth; But that since their first friendship with William Penn, they never have received any Wrong or Injury from him or any of his People.

That several foolish People among them committed Follies and Indiscretions, but they hope these will never interrupt the Friendship which is between their People and us, for that they and all William Penn's People are as one People, that Eat, as it were, with one Mouth, and are one Body and one Heart.

Then presenting a Belt of Wampum of Eight Rows, they say: They would not have the Governour grieve too much for the rash inconsiderate Actions that of late have been committed; they must be buried and forget, for that what has happen'd was done by their Friends, if it had been done

by their Enemies they would have resented it, but that we and they are One; That they have always mett with Justice and Kindness from William Penn, and from all the Governours whom he has sent here, and thus do all the Indians of Conestogoe, Delaware, the Shawanese and Gawanese say.

That they are extreamly glad and satisfied with what the Governour said to them yesterday, it greatly rejoyced their Hearts that they have had no such Speech made to them since the time that the Great William Penn was amongst them, all was good and nothing was amiss.

Then presenting four Strings of Wampum, they say: They will visit the Governour at Philadelphia after the Harvest is over, and then they will speak fully to him as their Brother and Friend, for the Conestogoes, Delawares, Shawanese and Gawanese will then come to him, and he may look up the Conestogoe Road and expect them; That what happen'd at John Burt's house was not done by them, it was done by one of the Menysincks, who are of another Nation, and therefore they can say nothing to it.

After this Answer of the Indians some of the Gentlemen present moved the Governour, that seeing there was now a numerous Company of our Inhabitants mett together, he would be pleased to press the Indians to declare to him if they suffered any Grievance or Hardship from this Government, because several Reports had been industriously spread abroad as if they had some just Cause of Complaint. And the Governour having ordered the Interpreters to acquaint them herewith; They all answered that; they had no Cause of Complaint, that William Penn and his People had still treated them well, and they had no Uneasiness.

The Governour then told them that he was well pleased with what they had said unto him, and that since the Indian, who Killed the Englishman at Burt's house is not of their Nation, he would demand Justice from that Nation to which he belonged.

The Proclamation was then interpreted unto them, which seemed to please them very much.

Then the Governour having ordered some Rum, Bread, Tobacco and Pipes to be delivered to them, and likewise one Strowd Matchcoat and one Shirt to Civility, one Strowd Matchcoat and Shirt to Shakatawlin or Sam, and one Shirt to Pomapechtya, the three Indian Interpreters; he took all the Indian Chiefs by the Hand, and desired them when they returned home they should acquaint all their people with what had now pass'd between them and us, that the Remembrance thereof might endure for ever.

WILLIAM PENN'S PLAN FOR A UNION OF THE COLONIES.¹

8 FEBRUARY, 1696-7.

[On the 15th of May, 1696, the Board of Commissioners for promoting the Trade of the Kingdom, and for inspecting and improving the plantations in America and elsewhere, was created by King William III. On the 20th of August, 1696, this Board made a Report to the Privy Council on the state of the plantations, recommending the appointment, by the king, of a captain-general who should have the command of all the king's forces and of the entire militia of the colonies, commission their officers, and employ them at his discretion, subject only to instructions from England, and should also exercise the power of governor of any of the plantations depending on the crown, while he should be present in it. On the 8th of February, 1696-7, William Penn presented to the Board of Trade a scheme for a general Union, legislative as well as executive, of all the colonies, which, as he submitted, would be useful not only to the English crown, but "to one another's peace and safety, with an universal concurrence."]

- "A Briefe and Plaine Scheam how the English Colonies in the North parts of America Viz: Boston Connecticut Road Island New York New Jerseys, Pensilvania, Maryland, Virginia and Carolina may be made more usefull to the Crowne, and one anothers peace and safty with an universall concurrence.
- "1st. That the severall Colonies before mentioned do meet once a year, and oftener if need be, during the war, and at least once in two years in times of peace, by their stated and appointed Deputies, to debate and resolve of such measures as are most adviseable for their better understanding, and the publick tranquility and safety.
- "2. That in order to it two persons well qualified for sence sobriety and substance be appointed by each Province, as their Representatives or Deputies, which in the whole make the Congress to consist of twenty persons.
- "3. That the Kings Commissioner for that purpose specially appointed shall have the Chaire and preside in the said Congresse.
- "4. That they shall meet as near as conveniently may be to the most centrall Colony for ease of the Deputies.
- "5. Since that may in all probability, be New York both because it is near the Center of the Colonies and for that it is a Frontier and in the Kings nomination, the Gov of that Colony may therefore also be the

¹ In the State Paper Office, London. Plantation General Entries, xxxiv. A. 102.

Kings High Commissioner during the Session after the manner of Scotland.

"6. That their business shall be to hear and adjust all matters of Complaint or difference between Province and Province. As 1st where persons quit their own Province and goe to another, that they may avoid their just debts thô they be able to pay them, 2^d where offenders fly Justice, or Justice cannot well be had upon such offenders in the Provinces that entertaine them, 3^{dly} to prevent or cure injuries in point of commerce, 4th, to consider of ways and means to support the union and safety of these Provinces against the publick enemies. In which Congresse the Quotas of men and charges will be much easier, and more equally sett, then it is possible for any establishment made here to do; for the Provinces, knowing their own condition and one anothers, can debate that matter with more freedome and satisfaction and better adjust and ballance their affairs in all respects for their common safty.

"7" That in times of war the Kings High Commissioner shall be generall or Chief Commander of the severall Quotas upon service against the Common enemy as he shall be advised, for the good and benefit of the whole."

WILLIAM PENN'S PLAN FOR A GENERAL EURO-PEAN UNION.

1693.

[In the latter part of the year 1693-4, while war was raging on the continent of Europe, William Penn published a plan in which he sought to show "the desirableness of peace and the truest means of it," at that time and for the future. It consisted of a scheme for a general alliance or compact among the different states of Europe, whereby they should agree to constitute a "General Diet" or Congress of nations, wherein each should be represented by deputies, and all differences should be settled on equitable terms, and without recourse to arms.]

AN ESSAY TOWARDS THE PRESENT AND FUTURE PEACE OF EUROPE, BY THE ESTABLISHMENT OF AN EUROPEAN DYET, PARLIAMENT. OR ESTATES.

Beati Pacifici.

Cedant Arma Toga.

TO THE READER.

READER,

I have undertaken a Subject that I am very sensible requires one of more sufficiency than I am Master of to treat it, as, in Truth, it deserves, and the groaning State of *Europe calls for; but since Bunglers may Stumble upon the Game, as well as Masters, though it belongs to the

¹ William Penn's Work, ii. 838.

Skilful to hunt and catch it, I hope this Essay will not be charged upon me for a Fault, if it appear to be neither Chimerical nor Injurious, and may provoke abler Pens to improve and perform the Design with better Judgment and Success. I will say no more in Excuse of myself, for this Undertaking, but that it is the Fruit of my solicitous Thoughts, for the Peace of Europe, and they must want Charity as much as the World needs Quiet, to be offended with me for so Pacifick a Proposal. Let them censure my Management, so they prosecute the Advantage of the Design; for 'till the Millenary Doctrine be accomplished, there is nothing appears to me so beneficial an Expedient to the Peace and Happiness of this Quarter of the World.

AN ESSAY TOWARDS THE PRESENT AND FUTURE PEACE OF EUROPE, &c.

SECT. I. Of Peace, and its Advantages.

He must not be a Man, but a Statue of Brass or Stone, whose Bowels do not melt when he beholds the bloody Tragedies of this War, in Hungary, Germany, Flanders, Ireland, and at Sea: the Mortality of sickly and languishing Camps and Navies, and the mighty prey the Devouring Winds and Waves have made upon Ships and Men since 88. And as this with Reason ought to affect human Nature, and deeply Kindred, so there is something very moving that becomes prudent Men to consider, and that is the vast Charge that has accompanied that Blood, and which makes no mean Part of these Tragedies; Especially if they deliberate upon the uncertainty of the War, that they know not how or when it will end, and that the Expence cannot be less, and the Hazard is as great as before. So that in the Contraries of Peace we see the Beauties and Benefits of it; which under it, such is the Unhappiness of Mankind, we are too apt to nauseate, as the full Stomach loaths the Honey-Comb; and like that unfortunate Gentleman, that having a fine and a good Woman to his Wife, and searching his Pleasure in forbidden and less agreeable Company, said, when reproach'd with his Neglect of better Enjoyments, That he could love his Wife of all Women, if she were not his Wife, tho' that increased his Obligation to prefer her. It is a great Mark of the Corruption of our Natures, and what ought to humble us extremely, and excite the Exercise of our Reason to a nobler and juster Sense, that we cannot see the Use and Pleasure of our Comforts but by the Want of them. we could not taste the Benefit of Health, but by the Help of Sickness; nor understand the Satisfaction of Fulness without the Instruction of Want; nor, finally, know the Comfort of Peace, but by the Smart and Penance of the Vices of War: And without Dispute that is not the least

Reason that God is pleased to Chastise us so frequently with it. What can we desire better than Peace, but the Grace to use it? Peace preserves our Possessions; We are in no Danger of Invasions: Our Trade is free and safe, and we rise and lye down without Anxiety. The Rich bring out their Hoards, and employ the poor Manufacturers; Buildings and divers Projections, for Profit and Pleasure, go on: It excites Industry, which brings Wealth, as that gives the Means of Charity and Hospitality, not the lowest Ornaments of a Kingdom or Commonwealth. But War, like the Frost of 83, seizes all these Comforts at once, and stops the civil Channel of Society. The Rich draw in their Stock, the Poor turn Soldiers, or Thieves, or Starve: No Industry, no Building, no Manufactory, little Hospitality or Charity; but what the Peace gave, the War devours. I need say no more upon this Head, when the Advantages of Peace, and Mischiefs of War, are so many and sensible to every Capacity under all Governments, as either of them prevails. I shall proceed to the next What is the best Means of Pcace; which will conduce much to open my Way to what I have to propose.

Sect. II. Of the Means of Peace, which is Justice rather than War.

As Justice is a Preserver, so it is a better Procurer of Peace than War. Tho' Pax quæritur bello, be an usual Saying, Peace is the end of War, and as such it was taken up by O. C. for his Motto. Yet the Use generally made of that expression shews us, that properly and truly speaking, Men seek their Wills by War rather than Peace, and that as they will violate it to obtain them, so they will hardly be brought to think of Peace, unless their Appetites be some Way gratified. If we look over the Stories of all Times, we shall find the Aggressors generally moved by Ambition; the Pride of Conquest and Greatness of Dominion more than Right. those Leviathans appear rarely in the World, so I shall anon endeavour to make it evident they had never been able to devour the Peace of the World, and ingross whole Countries as they have done, if the Proposal I have to make for the Benefit of our present Age had been then in Practice. The Advantage that Justice has upon War is seen by the Success of Embassies, that so often prevent War by hearing the Pleas and Memorials of Justice in the Hands and Mouths of the Wronged Party. Perhaps it may be in a good Degree owing to Reputation or Poverty, or some Particular Interest or Conveniency of Princes and States, as much as Justice; but it is certain, that as War cannot in any Sense be justified, but upon Wrongs received, and Right, upon Complaint, refused; So the Generality of Wars have their Rise from some such Pretension. This is better seen and understood at Home; for that which prevents a Civil War in a Nation, is that

which may prevent it Abroad, viz: Justice; and we see where that is notably obstructed, War is kindled between the Magistrates and People in particular Kingdoms and States; which, however it may be unlawful on the side of the People, we see never fails to follow, and ought to give the same Caution to Princes as if it were the Right of the People to do it: Tho' I must needs say, the Remedy is almost ever worse than the Disease: The Aggressors seldom getting what they seek, or performing, if they prevail, what they promised: And the Blood and Poverty that usually attend the Enterprize, weigh more on Earth, as well as in Heaven, than what they lost or suffered, or what they get by endeavouring to mend their Condition. comes to: Which Disappointment seems to be the Voice of Heaven, and Judgment of God against those violent Attempts. But to return, I say, Justice is the Means of Peace, betwixt the Government and the People, and one Man and Company and another. It prevents Strife, and at last ends it: For besides Shame or Fear, to contend longer, he or they being under Government, are constrained to bound their Desires and Resentment with the Satisfaction the Law gives. Thus Peace is maintained by Justice. which is a Fruit of Government, as Government is from Society, and Society from Consent.

SECT. III. Government, its Rise and End under all Models.

Government is an Expedient against Confusion; a Restraint upon all Disorder; Just Weights and an even Balance: That one may not injure another, nor himself, by Intemperance.

This was at first without Controversic, Patrimonial, and upon the Death of the Father or Head of the Family, the eldest Son or Male of Kin But Time breaking in upon this Way of Governing, as the succeeded. World multiply'd, it fell under other Claims and Forms; and is as hard to trace to its Original, as are the Copies we have of the first Writings of Sacred or Civil Matters. It is certain the most Natural and Human is that of Consent, for that binds freely, (as I may say) when Men hold their Liberty by true Obedience to Rules of their own making. No Man is Judge in his own Cause, which ends the Confusion and Blood of so many Judges and Executioners. For out of Society every Man is his own King, does what he lists at his own Peril: But when he comes to incorporate himself, he submits that Royalty to the Conveniency of the Whole, from whom he receives the Returns of Protection. So that he is not now his own Judge nor Avenger, neither is his Antagonist, but the Law, in indifferent Hands between both. And if he be Servant to others that before was free, he is also served of others that formerly owed him no Obligation. Thus while we are not our own, every Body is ours, and we get more than

we lose, the Safety of the Society being the Safety of the Particulars that constitute it. So that while we seem to submit to, and hold all we have from Society, it is by Society that we keep what we have.

Government then is the Prevention or Cure of Disorder, and the Means of Justice, as that is of Peace: For this Cause they have Sessions, Terms, Assizes, and Parliaments, to overrule Men's Passions and Resentments, that they may not be Judges in their own Cause, nor Punishers of their own Wrongs, which, as it is very incident to Men in their Corrupt State, so, for that Reason, they would observe no Measure; nor on the other Hand would any be easily reduced to their Duty. Not that Men know not what is right, their Excesses, and wherein they are to blame, by no Means; nothing is plainer to them: But so deprayed is Human Nature, that without Compulsion some Way or other, too many would not readily be brought to do what they know is right and fit, or avoid what they are satisfy'd they should not do: Which brings me near to the Point I have undertaken; and for the better Understanding of which, I have thus briefly treated of Peace, Justice, and Government, as a necessary Introduction, because the Ways and Methods by which Peace is preserved in particular Governments, will help those Readers, most concerned in my Proposal, to conceive with what Ease as well as Advantage the Peace of Europe might be procured and kept; which is the End designed by me, with all Submission to those Interested in this little Treatise.

Sect. IV. Of a General Peace, or the Peace of Europe, and the Means of it.

In my first Section, I shewed the Desirableness of Peace; in my next, the Truest Means of it; to wit, Justice, Not War. And in my last, that this Justice was the Fruit of Government, as Government itself was the Result of Society: which first came from a Reasonable Design in Men of Peace. Now if the Soveraign Princes of Europe, who represent that Society, or Independent State of Men that was previous to the Obligations of Society, would, for the same Reason that engaged Men first into Society, viz: Love of Peace and Order, agree to meet by their Stated Deputies in a General Dyet, Estates, or Parliament, and there Establish Rules of Justice for Soveraign Princes to observe one to another; and thus to meet Yearly, or once in Two or Three Years at farthest, or as they shall see Cause, and to be Stiled, The Soveraign or Imperial Dyet, Parliament, or State of Europe; before which Soveraign Assembly, should be brought all Differences depending between one Soveraign and another, that cannot be made up by private Embassies, before the Sessions begins; and that if any of the Soveraignties that Constitute these Imperial States, shall refuse to

submit their Claim or Pretensions to them, or to abide and perform the Judgment thereof, and seek their Remedy by Arms, or delay their Compliance beyond the Time prefixt in their Resolutions, all the other Soveraignties, United as One Strength, shall compel the Submission and Performance of the Sentence, with Damages to the Suffering Party, and Charges to the Sovereignties that obliged their Submission. To be sure, Europe would quietly obtain the so much desired and needed Peace, to Her harassed Inhabitants; no Soveraignty in Europe, having the Power, and therefore cannot show the Will to dispute the Conclusion; and, consequently, Peace would be procured, and continued in Europe.

Sect. V. Of the Causes of Difference, and Motives to Violate Peace.

There appears to me but Three Things upon which Peace is broken, viz: To Keep, to Recover, or to Add. First, To Keep what is One's Right, from the Invasion of an Enemy; in which I am purely Defensive. Secondly, To Recover, when I think myself Strong enough, that which by Violence, I, or my Ancestors have lost by the Arms of a Stronger Power; in which I am Offensive; Or, Lastly, To increase my Dominion by the Acquisition of my Neighbour's Countries, as I find them Weak, and myself Strong. To gratify which Passion, there will never want some Accident or other for a Pretence: And knowing my own Strength, I will be my own Judge and Carver. This Last will find no Room in the Imperial States: They are an unpassable Limit to that Ambition. But the other Two may come as soon as they please, and find the Justice of that Soveraign Court. And considering how few there are of those Sons of Prey, and how early they show themselves, it may be not once in an Age or Two, this Expedition being Established, the Ballance cannot well be broken.

Sect. VI. Of Titles, upon which those Differences may arise.

But I easily foresee a Question that may be answered in our Way, and that is this; What is Right? Or else we can never know what is Wrong: It is very fit that this should be Established. But that is fitter for the Sovereign States to resolve than me. And yet that I may lead a Way to the Matter, I say that Title is either by a long and undoubted Succession, as the Crowns of Spain, France, and England; or by Election, as the Crown of Poland, and the Empire; or by Marriage, as the Family of the Stewarts came by England; the Elector of Brandenburg, to the Dutchy of Cleve: and we, in Ancient Time, to divers Places abroad; or by Purchase, as hath been frequently done in Italy and Germany; or by Conquest, as the Turk in Christendom, the Spaniards in Flanders, formerly mostly in

the French Hands; and the French in Burgundy, Normandy, Lorrain, French-County, &c. This last Title is, Morally Speaking, only Questionable. It has indeed obtained a Place among the Rolls of Titles, but it was engross'd and recorded by the Point of the Sword, and in Bloody Characters. What cannot be controuled or resisted, must be submitted to; but all the World knows the Date of the length of such Empires, and that they expire with the Power of the Possessor to defend them. And yet there is a little allowed to Conquest to, when it has the Sanction of Articles of Peace to confirm it: Tho' that hath not always extinguished the Fire, but it lies, like Embers under Ashes, ready to kindle so soon as there is fit Matter prepared for it. Nevertheless, when Conquest has been confirmed by a Treaty, and Conclusion of Peace, I must confess it is an Adopted Title; and if not so Genuine and Natural, yet being engrafted, it is fed by that which is the Security of Better Titles, Consent. There is but one Thing more to be mentioned in this Section, and that is from what Time Titles shall take their Beginning, or how far back we may look to confirm or dispute them. It would be very bold and inexcusable in me, to determine so tender a Point, but be it more or less Time, as to the last General Peace at Nimequen, or to the commencing of this War, or to the Time of the Beginning of the Treaty of Peace, I must submit it to the Great Pretenders and Masters in that Affair. But something every Body must be willing to give or quit, that he may keep the rest, and by this Establishment, be forever freed of the Necessity of losing more.

Sect. VII. Of the Composition of these Imperial States.

The Composition and Proportion of this Soveraign Part, or Imperial State, does, at the first Look, seem to carry with it no small Difficulty what Votes to allow for the Inequality of the Princes and States. But with Submission to better Judgments, I cannot think it invincible; For if it be possible to have an Estimate of the Yearly Value of the several Soveraign Countries, whose Delegates are to make up this August Assembly, the Determination of the Number of Persons or Votes in the States for every Soveraignty, will not be impracticable. Now that England, France, Spain, the Empire, &c. may be pretty exactly estimated, is so plain a Case, by considering the Revenue of Lands, the Exports and Entries at the Custom Houses, the Books of Rates, and Surveys that are in all Governments, to proportion Taxes for the Support of them, that the least Inclination to the Peace of Europe, will not stand or halt at this Objection. I will, with Pardon on all Sides, give an Instance far from Exact; nor do I pretend to it, or offer it for an Estimate; for I do it at Random: Only this, as wide as it is from the Just Proportion, will give some Aim to my

Judicious Reader, what I would be at: Remembering, I design not by any Computation, an Estimate from the Revenue of the Prince, but the Value of the Territory, the Whole being concerned as well as the Prince. And a Juster Measure it is to go by, since one Prince may have more Revenue than another, who has much a Richer Country: Tho' in the Instance I am now about to make, the Caution is not so Necessary, because, as I said before, I pretend to no Manner of Exactness, but go wholly by Guess, being but for Example's Sake. I suppose the Empire of Germany to send Twelve; France, Ten; Spain, Ten; Italy, which comes to France, Eight; England, Six; Portugal, Three; Sweedland, Four; Denmark, Three; Poland, Four; Venice, Three; the Seven Provinces, Four; The Thirteen Cantons; and little Neighbouring Soveraignties, Two; Dukedoms of Holstein and Courland, One: And if the Turks and Muscovites are taken in, as seems but fit and just, they will make Ten a Piece more. The Whole makes Ninety. A great Presence when they represent the Fourth; and now the Best and Wealthiest Part of the Known World; where Religion and Learning, Civility and Arts have their Seat and Empire. But it is not absolutely necessary there should be always so many Persons, to represent the larger Soveraignties; for the Votes may be given by one Man of any Soveraignty, as well as by Ten or Twelve: Tho' the fuller the Assembly of States is, the more Solemn, Effectual, and Free the Debates will be, and the Resolutions must needs come with greater Authority. The Place of their First Session should be Central, as much as is possible, afterwards as they agree.

SECT. VIII. Of the Regulations of the Imperial States in Session.

To avoid Quarrel for Precedency, the Room may be Round, and have divers Doors to come in and go out at, to prevent Exceptions. If the whole Number be cast in Tens, each chusing One, they may preside by Turns, to whom all Speeches should be addressed, and who should collect the Sense of the Debates, and state the Question for a Vote, which, in my Opinion, should be by the Ballot after the Prudent and Commendable Method of the Venetians: Which in a great Degree, prevents the ill Effects of Corruption; because if any of the Delegates of that High and Mighty Estates could be so Vile, False, and Dishonourable, as to be influenced by Money, they have the Advantage of taking their Money that will give it them, and of Voting undiscovered to the Interest of their Principals, and their own Inclinations; as they that do understand the Balloting Box do very well know. A Shrewd Stratagem, and an Experimental Remedy against Corruption, at least Corrupting: For who will give their Money where they may so easily be Cozened, and where it is

Two to One they will be so; for they that will take Money in such Cases, will not stick to Lye heartily to them that give it, rather than wrong their Country, when they know their Lye cannot be detected.

It seems to me, that nothing in this Imperial Parliament should pass, but by Three Quarters of the Whole, at least Seven above the Ballanee. I am sure it helps to prevent Treachery, because if Money could ever be a Temptation in such a Court, it would cost a great Deal of Money to weigh down the wrong Scale. All Complaints should be delivered in Writing, in the Nature of Memorials; and Journals kept by a proper Person, in a Trunk or Chest, which should have as many differing Locks, as there are Tens in the States. And if there were a Clerk for each Ten, and a Pew or Table for those Clerks in the Assembly; and at the End of every Session, One out of each Ten, were appointed to Examine and Compare the Journal of those Clerks, and then lock them up as I have before expressed, it would be clear and Satisfactory. And each Soveraignty if they please, as is but very fit, may have an Exemplification, or Copy of the said Memorials, and the Journal of Proceedings upon them. Liberty and Rules of Speech, to be sure, they cannot fail in, who will be Wisest and Noblest of each Soveraignty, for its own Honour and Safety. If any Difference can arise between those that come from the same Soveraignty, that then One of the Major Number do give the Balls of that Soveraignty. I should think it extreamly necessary, that every Soveraignty should be present under great Penalties, and that none leave the Session without Leave, till All be finished; and that Neutralities in Debates should by no Means be endured: For any such Latitude will quickly open a Way to unfair Proceedings, and be followed by a Train, both of seen, and unseen Inconveniences. I will say little of the Language in which the Session of the Soveraign Estates should be held, but to be sure it must be in Latin or French; the first would be very well for Civilians, but the last most easie for Men of Quality.

Sect. IX. Of the Objections that may be advanced against the Design.

I will first give an Answer to the Objections that may be offered against my *Proposal*: And in my next and last Section, I shall endeavour to show some of the manifold Conveniences that would follow this *European League*, or *Confederacy*.

The first of them is this, That the strongest and Richest Soveraignty will never agree to it, and if it should, there would be Danger of Corruption more than of Force one Time or other. I answer to the first Part, he is not stronger than all the rest, and for that Reason you should promote this, and compel him into it; especially before he be so, for then, it

will be too late to deal with such an onc. To the last Part of the Objection, I say the Way is as open now as then; and it may be the Number fewer, and as easily come at. However, if Men of Sense and Honour, and Substance, are chosen, they will either scorn the Baseness, or have wherewith to pay for the Knavery: At least they may be watch't so, that one may be a check upon the other, and all prudently limited by the Soveraignty they Represent. In all great Points, especially before a final Resolve, they may be obliged to transmit to their Principals, the Merits of such important Cases depending, and receive their last Instructions: which may be done in four and Twenty Days at the most, as the Place of their Session may be appointed.

The Second is, That it will endanger an Effeminacy by such a Disuse of the Trade of Soldiery; That if there should be any Need for it, upon any Occasion, we should be at a Loss as they were in Holland in 72.

There can be no Danger of Effeminacy, because each Soveraignty may introduce as temperate or Severe a Discipline in the Education of Youth, as they please, by low Living, and due Labour. Instruct them in Mechanical Knowledge, and in Natural Philosophy, by Operation, which is the Honour of the German Nobility. This would make them Men: Niether Women nor Lyons: For Soldiers are t'other Extream to Effeminacy. But the Knowledge of Nature, and the useful as well as agreeable Operations of Art, give Men an Understanding of themselves, of the World they are born into, how to be useful and serviceable, both to themselves and others: and how to save and help, not injure or destroy. The Knowledge of Government in General; the particular Constitutions of Europe; and above all of his own Country, are very recommending Accomplish-This fits him for the Parliament, and Council at Home, and the Courts of Princes and Services in the Imperial States abroad. At least, he is a good Common-Wealths-Man, and can be useful to the Publick, or retire, as there may be Occasion.

To the other Part of the Objection, of being at a loss for Soldiery as they were in Holland in 72. The Proposal answers for itself. One has War no more than the other; and will be as much to seek upon Occasion. Nor is it to be thought that any one will keep up such an Army after such an Empire is on Foot, which may hazard the Safety of the rest. However, if it be seen requisit, the Question may be askt, by Order of the Soveraign States, why such an one either raises or keeps up a formidable Body of Troops, and be obliged forthwith to reform or Reduce them; lest any one, by keeping up a great Body of Troops, should surprize a Neighbour. But a small Force in every other Soveraignty, as it is capable or

¹ He, in text.

accustomed to maintain, will certainly prevent that Danger, and Vanquish any such Fear.

The Third Objection is, That there will be great Want of Employment for younger Brothers of Families; and that the Poor must either turn Soldiers or Thieves. I have answer'd that in my Return to the Second Objection. We shall have the more Merchants and Husbandmen, or Ingenious Naturalists, if the Government be but any Thing Solicitous of the Education of their Youth: Which, next to the present and immediate Happiness of any Country, ought of all Things, to be the Care and Skill of the Government. For such as the Youth of any Country is bred, such is the next Generation, and the Government in good or bad Hands.

I am come now to the last Objection, That Soveraign Princes and States will hereby become not Soveraign: a Thing they will never endure. But this also, under Correction, is a Mistake, for they remain as Soveraign at Home as ever they were. Neither their Power over their People, nor the usual Revenue they pay them, is diminished: It may be the War Establishment may be reduced, which will indeed of Course follow, or be better employed to the Advantage of the Publick. So that the Soveraignties are as they were, for none of them have now any Soveraignty over one another: And if this be called a lessening of their Power, it must be only because the great Fish ean no longer eat up the little ones, and that each Soveraignty is equally defended from Injuries, and disabled from committing them: Cedant Arma Togæ is a Glorious Sentence; the Voice of the Dove: the Olive Branch of Peace. A Blessing so great, that when it pleases God to chastise us severely for our Sins, it is with the Rod of War that, for the most Part, he whips us: And Experience tells us none leaves deeper Marks behind it.

Sect. X. Of the real Benefits that flow from this Proposal about Peace.

I am come to my last Section, in which I shall enumerate some of those many real Benefits that flow from this Proposal, for the Present and Future Peace of Europe.

Let it not, I pray, be the least, that it prevents the Spilling of so much Humane and Christian Blood: For a Thing so offensive to God, and terrible and afflicting to Men, as that has ever been, must recommend our Expedient beyond all Objections. For what can a Man give in Exchange for his Life, as well as Soul? And the chiefest in Government are seldom personally exposed, yet it is a Duty incumbent upon them to be tender of the Lives of their People; since without all Doubt, they are accountable to God for the Blood that is spilt in their Service. So that besides the Loss of so many Lives, of importance to any Government,

both for Labour and Propagation, the Cries of so many Widows, Parents and Fatherless are prevented, that cannot be very pleasant in the Ears of any Government, and is the Natural Consequence of War in all Government.

There is another manifest Benefit which redounds to Christendom, by this Peaceable Expedient, The Reputation of Christianity will in some Degree be recovered in the Sight of Infidels; which, by the many Bloody and unjust Wars of Christians, not only with them, but one with another, hath been greatly impaired. For, to the Scandal of that Holy Profession, Christians, that glory in their Saviour's Name, have long devoted the Credit and Dignity of it, to their worldly Passions, as often as they have been excited by the Impulses of Ambition or Revenge. They have not always been in the Right: Nor has Right been the Reason of War: And not only Christians against Christians, but the same Sort of Christians have embrewed their Hands in one another's Blood: Invoking and Interesting, all they could, the Good and Merciful God to prosper their Arms to their Brethren's Destruction: Yet their Saviour has told them, that he came to save, and not to destroy the Lives of Men: To give and plant Peace among Men: And if in any Sense he may be said to send War, it is the Holy War indeed; for it is against the Devil, and not the Persons of Mcn. Of all his Titles this seems the most Glorious as well as comfortable for us, that he is the Prince of Peace. It is his Nature, his Office, his Work, and the End, and excellent Blessing of his Coming, who is both the Maker and Preserver of our Peace with God. And it is very remarkable, that in all the New Testament he is but once called Lyon, but frequently the Lamb of God; to denote to us his Gentle, Meek, and Harmless Nature; and that those who desire to be the Disciples of his Cross and Kingdom, for they are inseparable, must be like him, as St. Paul, St. Peter, and St. John, tell us. Nor is it said the Lamb shall lye down with the Lyon, but the Lyon shall lye down with the Lamb. That is, War shall yield to Peace, and the Soldier turn Hermite. To be sure, Christians should not be apt to strive, not swift to Anger against any Body, and less with one another, and least of all for the uncertain and fading Enjoyments of this Lower World: And no Quality is exempted from this Here is a wide Field for the Reverend Clergy of Europe to act their Part in, who have so much the Possession of Princes and People too. May they recommend and labour this pacifick Means I offer, which will end Blood, if not Strife; and then Reason, upon free Debate, will be Judge, and not the Sword. So that both Right and Peace, which are the Desire and Fruit of wise Governments, and the choice Blessings of any Country, seem to succeed the Establishment of this Proposal.

The third Benefit is, that it saves Money, both to the Prince and People; and thereby prevents those Grudgings and Misunderstandings between them that are wont to follow the devouring Expences of War; and enables both to perform Publick Acts for Learning, Charity, Manufacturies, &c. The Virtues of Government and Ornaments of Countries. Nor is this all the Advantage that follows to Soveraignties, upon this Head of Money and good Husbandry, to whose Service and Happiness this short Discourse is dedicated; for it saves the great Expence that frequent and splendid Embassies require, and all their Appendages of Spies and Intelligence, which in the most prudent Governments, have devoured mighty Sums of Money; and that not without some immoral Practices also: Such as Corrupting of Servants to betray their Masters, by revealing their Scerets; not to be defended by Christian or Old Roman Virtue. But here, where there is nothing to fear, there is little to know, and therefore the Purchase is either cheap, or may be wholly spared. I might mention Pensions to the Widows and Orphans of such as dye in Wars, and of those that have been disabled in them; which rise high in the Revenue of some Countries.

Our fourth Advantage is, that the Towns, Cities, and Countries, that might be laid waste by the Rage of War, are thereby preserved: A Blessing that would be very well understood in Flanders and Hungary, and indeed upon all the Borders of Soveraignties, which are almost ever the Stages of Spoil and Misery; of which the Stories of England and Scotland do sufficiently inform us without looking over the Water.

The fifth Benefit of this Peace, is the Ease and Security of Travel and Traffick: An Happiness never understood since the Roman Empire has been broken into so many Soveraignties. But we may easily conceive the Comfort and Advantage of travelling through the Governments of Europe by a Pass from any of the Soveraignties of it, which this League and State of Peace will naturally make Authentick: They that have travel'd Germany, where is so great a Number of Soveraignties, know the Want and Value of this Priviledge, by the many Stops and Examinations they meet with by the Way: But especially such as have made the great Tour of Europe. This leads to the Benefit of an Universal Monarchy, without the Inconveniences that attend it: For when the whole was one Empire, tho' these Advantages were enjoyed, yet the several Provinces, that now make the Kingdoms and States of Europe, were under some Hardship from the great Sums of Money remitted to the Imperial Seat, and the Ambition and Avarice of their several Proconsuls and Governours, and the great Taxes they paid to the Numerous Legions of Soldiers, that they maintained for their own Subjection, who were not wont to entertain that

Concern for them (being uncertainly there, and having their Fortunes to make) which their respective and proper Soveraigns have always shown for them. So that to be Ruled by Native Princes or States, with the Advantage of that Peace and Security that can only render an Universal Monarchy desirable, is peculiar to our Proposal, and for that Reason it is to be preferred.

Another Advantage is, The Great Security it will be to Christians against the Inroads of the Turk, in their most Prosperous Fortune. For it had been impossible for the Port, to have prevailed so often, and so far upon Christendom, but by the Carelessness, or Wilful Connivence, if not Aid, of some Christian Princes. And for the same Reason, why no Christian Monarch will adventure to oppose, or break such an Union, the Grand Seignior will find himself obliged to concur, for the Security of what he holds in Europe: Where, with all his Strength, he would feel it an Over-Match for him. The Prayers, Tears, Treason, Blood and Devastation, that War has cost in Christendom, for these Two last Ages especially, must add to the Credit of our Proposal, and the Blessing of the Peace thereby humbly recommended.

The Seventh Advantage of an European, Imperial Dyet, Parliament, or Estates, is, That it will beget and increase Personal Friendship between Princes and States, which tends to the Rooting up of Wars, and Planting Peace in a Deep and Fruitful Soil. For Princes have the Curiosity of seeing the Courts and Cities of other Countries, as well as Private Men, if they could as securely and familiarly gratify their Inclinations. It were a great Motive to the Tranquility of the World, That they could freely Converse Face to Face, and Personally and Reciprocally Give and Receive Marks of Civility and Kindness. An Hospitality that leaves these Impressions behind it, will hardly let Ordinary Matters prevail, to Mistake or Quarrel one another. Their Emulation would be in the Instances of Goodness, Laws, Customs, Learning, Arts, Buildings; and in particular those that relate to Charity, the True Glory of some Governments, where Beggars are as much a Rarity, as in other Places it would be to see none.

Nor is this all the Benefit that would come by this Freedom and Interview of Princes: For Natural Affection would hereby be preserved, which we see little better than lost, from the Time their Children, or Sisters, are Married into other Courts. For the present State and Insincerity of Princes forbid them the Enjoyment of that Natural Comfort which is possest by Private Families: Insomuch, that from the Time a Daughter, or Sister is Married to another Crown, Nature is submitted to Interest, and that, for the most Part, grounded not upon Solid or Commendable

Foundations, but Ambition, or Unjust Avarice. I say, this Freedom, that is the Effect of our Pacifick Proposal, restores Nature to Her Just Right and Dignity in the Families of Princes, and them to the Comfort She brings, wherever She is preserved in Her proper Station. Here Daughters may Personally intreat their Parents, and Sisters their Brothers, for a good Understanding between them and their Husbands, where Nature, not crush'd by Absence, and Sinister Interests, but acting by the Sight and Lively Entreaties of such near Relations, is almost sure to prevail. They cannot easily resist the most affectionate Addresses of such powerful Solicitors, as their Children, and Grand-Children, and their Sisters, Nephews, and Neices: And so backward from Children to Parents, and Sisters to Brothers, to keep up and preserve their own Families, by a good Understanding between their Husbands and them.

To conclude this Section, there is yet another Manifest Privilege that follows this Intercourse and Good Understanding, which methinks should be very moving with Princes, viz. That hereby they may chuse Wives for themselves, such as they Love, and not by Proxy, meerly to gratify Interest; an ignoble Motive; and that rarely begets, or continues that Kindness which ought to be between Men and their Wives. A Satisfaction very few Princes ever knew, and to which all other Pleasures ought to resign. Which has often obliged me to think, That the Advantage of Private Men upon Princes, by Family Comforts, is a sufficient Ballance against their Greater Power and Glory: The one being more in Imagination, than Real; and often Unlawful; but the other, Natural, Solid, and Commendable. Besides, it is certain, Parents Loving Well before they are Married, which very rarely happens to Princes, has Kind and Generous Influences upon their Offspring: Which, with their Example, makes them better Husbands, and Wives, in their Turn. This, in great Measure, prevents Unlawful Love, and the Mischiefs of those Intriegues that are wont to follow them: What Hatred, Feuds, Wars, and Desolations have, in divers Ages, flown from Unkindness between Princes and their Wives? What Unnatural Divisions among their Children, and Ruin to their Families, if not Loss of their Countries by it? Behold an Expedient to prevent it, a Natural and Efficacious One: Happy to Princes, and Happy to their People also. For Nature being renewed and strengthened by these Mutual Pledges and Endearments, I have mentioned, will leave those soft and kind Impressions behind in the Minds of Princes that Court and Country will very easily discern and feel the Good Effects of: Especially if they have the Wisdom to show that they Interest themselves in the Prosperity of the Children and Relations of their Princes. For it does not only incline them to be Good, but engage those Relations to become

Powerful Suitors to their Princes for them, if any Misunderstanding should unhappily arise between them and their Soveraigns: Thus ends this Section. It now rests to conclude the Discourse, in which, if I have not pleased my Reader, or answered his Expectation, it is some Comfort to me I meant well, and have cost him but little Money and Time; and Brevity is an Excuse, if not a Virtue, where the Subject is not agreeable, or is but ill prosecuted.

THE CONCLUSION.

I Will conclude this my Proposal of an European, Soveraign, or Imperial Dyet, Parliament, or Estates, with that which I have touch'd upon before, and which falls under the Notice of every One concerned, by coming Home to their Particular and Respective Experience within their own Soveraignties. That by the same Rules of Justice and Prudence, by which Parents and Masters Govern their Families, and Magistrates their Cities, and Estates their Republicks, and Princes and Kings their Principalities and Kingdoms, Europe may Obtain and Preserve Peace among Her Soveraignties. For wars are the Duels of Princes; and as Government in Kingdoms and States, Prevents Men being Judges and Executioners for themselves, over-rules Private Passions as to Injuries or Revenge, and subjects the Great as well as the Small to the Rule of Justice, that Power might not vanquish or oppress Right, nor one Neighbour act an Independency and Soveraignty upon another, while they have resigned that Original Claim to the Benefit and Comfort of Society; so this being soberly weighed in the Whole, and Parts of it, it will not be hard to conceive or frame, nor yet to execute the Design I have here proposed.

And for the better understanding and perfecting of the Idea, I here present to the Soveraign Princes and Estates of Europe, for the Safety and Tranquility of it, I must recommend to their Perusals Sir William Temple's Account of the United Provinces; which is an Instance and Answer, upon Practice, to all the Objections that can be advanced against the Practicability of my Proposal: Nay, it is an Experiment that not only comes to our Case, but exceeds the Difficulties that can render its Accomplishment disputable. For there we shall find Three Degrees of Soveraignties to make up every Soveraignty in the General States. I will reckon them backwards: First, The States General themselves; then the Immediate Soveraignties that Constitute them, which are those of the Provinces, answerable to the Soveraignties of Europe, that by their Deputies are to compose the European Dyet, Parliament, or Estates in our Proposal: And then there are the several Cities of each Province, that are so many Independent or Distinct Soveraignties, which compose those

of the Provinces, as those of the Provinces do compose the States General at the Hague.

But I confess I have the Passion to wish heartily, that the Honour of Proposing and Effecting so Great and Good a Design, might be owing to England, of all the Countries in Europe, as something of the Nature of our Expedient was, in Design and Preparation, to the Wisdom, Justice, and Valour, of Henry the Fourth of France, whose Superior Qualities raising his Character above those of His Ancestors, or Contemporaries, deservedly gave Him the Stile of Henry the Great. For He was upon obliging the Princes and Estates of Europe to a Politick Ballance, when the Spanish Faction, for that Reason, contrived, and accomplished His Murder, by the Hands of Ravilliac. I will not then fear to be censured, for proposing an Expedient for the Present and Future Peace of Europe, when it was not only the Design, but Glory of One of the Greatest Princes that ever Reigned in it; and is found Practicable in the Constitution of one of the Wisest and Powerfullest States of it. So that to conclude, I have very Little to answer for in all this Affair; because, if it succeed, I have so Little to deserve: For this Great King's Example tells us it is fit to be done; and Sir William Temple's History shews us, by a Surpassing Instance, That it may be done; and Europe, by Her incomparable Miseries, makes it now Necessary to be done: That my Share is only thinking of it at this Juncture, and putting it into the Common Light for the Peace and Prosperity of Europe.



THE

ACADIAN EXILES,

O R

FRENCH NEUTRALS,

IN

PENNSYLVANIA.

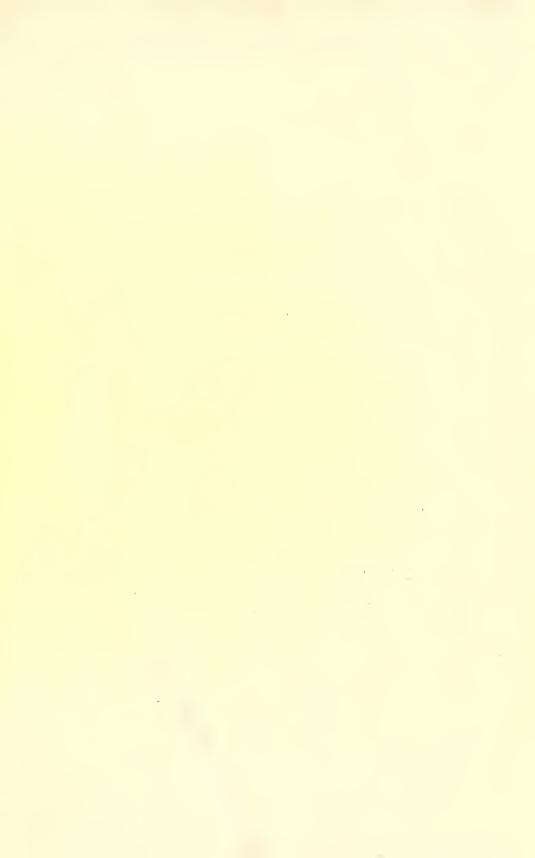
BY WILLIAM B. REED.

TO WHICH IS APPENDED

A RELATION OF THEIR MISFORTUNES,

BY JOHN BAPTISTE GALERM.

(283)



The French Mentrals

1 N

PENNSYLVANIA.

In the notes to the edition of Mr. Longfellow's poem of Evangeline, published in London in 1853, I find the following statement. Speaking of the Acadian exiles, the annotator says:

"One thousand arrived in Massachusetts Bay, and became a public expense, owing, in a great degree, to an unchangeable antipathy to their situation, which prompted them to reject the usual beneficiary but humiliating establishment of paupers for their children. They landed in a most deplorable condition at Philadelphia. The government of the colony, to relieve itself of the charge such a company of miserable wretches would require to maintain them, proposed to sell them with their own consent; but when this expedient for their support was offered for their consideration, the neutrals refused it with indignation, alleging that they were prisoners, and expected to be maintained as such, and not forced to labour."

No Pennsylvanian can read this remarkable statement of what is assumed to be an historical fact, without a blush deeper than any other imputed misdeed excites, and as certainly will Pennsylvanians feel some solicitude to know if it be true or not. To show that it is utterly without foundation, is the object of this little essay; in which only incidentally do I mean to speak of that familiar tale of sorrow—the exile of the Acadian Neutrals in 1755. On reading the note which I have quoted, my first desire was to know how far Mr. Longfellow was responsible for it; and a Cambridge friend, of whom I made the inquiry, assured me that the poet disavowed all knowledge of it, the notes having first appeared in England. was exactly what I expected; for among the tenderest and most beautiful passages in Evangeline (and to its exquisite beauty let me here bear my testimony) are those which describe the end of her pilgrimage, her lover's death within the sound of Christ Church bells, and the tomb of them both in the little Philadelphia churchyard. is no trace in the poem of Pennsylvania's cruelty or her proffered sale to slavery.

I had to look elsewhere for the origin of the aspersion. In Judge Haliburton's History of Nova Scotia, I at last found it in the very words used by the English annotator, and here—for no authority or document is cited—the responsibility must rest.

The best mode of refuting the accusation thus made against colonial Pennsylvania, is to tell, in a simple and perfectly authentic form, what did occur here, and in

¹ Haliburton's Nova Scotia, i. 183.

doing so to revive the memory — for every day, till Evangeline appeared, the tradition was becoming feebler — of as sad an episode as the modern world's great history affords. I know nothing more deeply pathetic; and we may wonder, with a sentiment kindred to religious awe, at the retribution on this deed of wrong, when, at the end of a century, we find Poetry stooping to pick_up from oblivion the obscure tradition of the Acadian exiles, and writing it in characters of living light, to last forever.

Let any one look through accredited histories of the day, or even contemporary correspondence more recently published, and he will find no allusion to this Exodus of the Acadians. I have curiously examined, but in vain. Neither Lord Chesterfield, nor George Grenville, nor Horace Walpole, who says a good deal about American affairs in his light way, nor any letter-writer of the day, alludes to what was doing in the obscure corner of Nova It was too humble a tragedy for the courtly gossipers of English society to trouble themselves about; and, so far as my studies go, there is no trace of it. The most that I find are a few allusions in the Gentleman's Magazine of 1756 and 1757. It occurred, let me note in passing, in a dismal and diminutive period of British story; and it is matter of pride to those who reverence (and what American student does not?) the grand, heroic character of the elder Pitt, that no part of this stain rests on his administration. It was far more characteristic of Newcastle and Bubb Doddington.

For my purposes I assume the reader to be familiar with the story of the French Neutrals down to the time

when they left Acadia, and I therefore turn to Pennsylvania's welcome of them, whatever it was, merely premising that the number of exiles who left Nova Scotia early in September, 1755, was one thousand nine hundred and twenty-three—four hundred and eighty-three men, three hundred and thirty-seven women, and one thousand and fifty-three children. Of this number, one account says eight hundred came to Philadelphia; though my impression is, as I have said, that it was much less.

It was certainly an unpropitious time for French Roman Catholics to come to these Puritan or Protestant colonies. It was the day of natural as well as of unreasonable excitements. It was the time when an Indian and a Frenchman were looked on with equal horror. It was the day when the actual association did exist, and when within three hundred miles of Philadelphia and two from New York, French and Indians were advancing in victorious array. General Braddock was defeated in July, 1755, and every English settlement on the seaboard trembled for its existence. The English language and the Reformed Religion, for a time, seemed to be in danger all over the world, in America and in India. This was the actual state of things, and yet it may well be doubted whether even the hostile Frenchmen of those days had not worse designs attributed to them than they deserved. "May God," writes a gentleman in Philadelphia, after the panic had subsided, "be pleased to give us success against all our copper-coloured cannibals and French savages, equally cruel and perfidious in their natures." 1

¹ Shippen Papers, 93.

Yet when, in 1756, Washington, then a provincial colonel, defeated a party of French and Indians and obtained possession of the French commander's instructions, they were found to contain these explicit words: "Le Sieur Donville employera tous ses Talents et tout son crédit à empêcher les Sauvages d'user d'aucun Cruauté, sur ceux qui tombéront entre leurs mains. L'Honneur et l'Humanité doivent en cela nous servir de guide;" 1 and again, later, in 1757, in the instructions found in the pocket of a French cadet, killed near Fort Cumberland: "Suppose qu'il fasse de Prisonniers il empêchera que les Sauvages de son Detachment n'exercent à leur Egard Aucune Cruauté Fait." One pauses pleasantly over these disinterred memorials of kind and merciful feeling so little looked for, softening the hideous front of savage warfare; but it must be recollected our terrified and excited ancestors knew nothing of them. What they knew, and were made to know, of Frenchmen and French Papists, is very clear from the exaggerated public documents and messages of the Colonial governors, who found no language strong enough wherewith to stir the sluggish liberality of the Assemblies, who raised money grudgingly, even when most frightened; or from pulpit oratory, never more acrimonious than then; or from such rumours as this, which I cut from a Philadelphia paper of September, 1755, a short time before the Roman Catholic exiles arrived, under date of Halifax.

"A few days since three Frenchmen were taken up and imprisoned on suspicion of having poisoned some wells in this neighbourhood. They are not tried yet, and it's

¹ Pennsylvania Archives, ii. 600.

imagined if they are convicted thereof, they will have but a few hours to live after they are once condemned." And the first rumour of the intention forcibly to remove the Acadians from their country, was accompanied with the statement that, from among them, "three Priests or Jesuits had been taken and sent to Halifax, and put on board the Admiral's ship for security."

Admiral Boscawen's great armament of ships-of-the-line and frigates, was employed in awing unarmed peasants and capturing fugitive Jesuits! It was to an atmosphere of public feeling thus excited, that the poor exiles came. Let us see how they were heralded, how they arrived, how they were treated here in Philadelphia.

The first intimation, in a popular form, of the intention to drive the Acadians from their homes, is in a letter from Halifax, dated August 9th, and printed in the Pennsylvania Gazette of the 4th of September, 1755, the day before the memorable 5th of September, Col. Winslow's "day of great fatigue and trouble," when the meeting was held in the church at Grand Pré, and the doom was told.² It is as follows, and is very characteristic:

"We are now upon a great and noble scheme of sending the neutral French out of the Province, who have always been secret enemies, and have encouraged our savages to cut our throats. If we can effect their expulsion, it will be one of the greatest things that ever did the English in America; for, by all accounts, that part of the country they possess is as good land as any in the world: in case, therefore, we could get some good English farmers in their

¹ Pennsylvania Gazette, Sept. 4, 1755. ² Haliburton, i. 335, 338.

room, this Province would abound in all sorts of provisions."

Between this date and the arrival of the exiles, I find no precise reference to the subject, though but little intermission of the inflammatory appeals to national and sectarian antipathies. It may be that the public mind was not a little excited by what seemed to be supernatural warning—an earthquake, which, in the early part of November, 1755, went round the world, devastating European cities, and at least startling those in America. The shock of an earthquake, the advent of a ship-load of Roman Catholics, and the news, utterly groundless as it must have been, which I find in the newspapers of the very day the exiles came, that the Indians and French had attacked Lancaster, prepared for them a sorry welcome.

On the 19th and 20th of November, 1755, three sloops, the Hannah, the Three Friends, and the Swan, arrived in the Delaware, with the Neutrals on board. They had cleared from Halifax. One of them, say the newspapers of the day, came up to town, but was immediately ordered down again. How the authorities at first received them can only be gathered from the Executive records; nothing of the action of the Assembly having survived, or being accessible, but its meagre journal. The Governor was Robert Hunter Morris, of whom it may at least be said, that he had had his full share of those deplorable squabbles with the popular representatives, which William Penn left as a continuing legacy to his family and successors. vernor Morris's administration had had also to encounter the trial of actual war close at hand. The arrival of the

Neutrals seems to have thrown him into a state of terrible alarm; and on the day the first cargo of them arrived, he thus wrote to Governor Shirley, having previously laid the matter before the Council:

"I wrote your Excellency a few days ago by Mr. Benzill, who, I hope, will find you safe at New York, since which two vessels are arrived here with upward of three hundred neutral French from Nova Scotia, who Governor Lawrence has sent to remain in this Province, and I am at a very great loss to know what to do with them. people here, as there is no military force of any kind, are very uneasy at the thought of having a number of enemy's scattered in the very bowels of the country, who may go off from time to time with intelligence, and joyn their countrymen now employed against us, or foment some intestine commotion in conjunction with the Irish and German Catholics, in this and the neighbouring province. I, therefore, must beg your particular instructions in what manner I may best dispose of these people, as I am desirous of doing any thing that may contribute to his majesty's service. I have, in the mean time, put a guard out of the recruiting partys now in town, on board of each vessel, and ordered these neutrals to be supplied with provisions, which must be at the expense of the crown, as I have no Provincial money in my hands; for this service I have prevailed on Capt. Morris, who is recruiting here for Col. Dunbar's Regiment, to postpone the sending off his recruits till I could here from you upon the head, which I hope to do by the return of the post." 1

¹ Pa. Arch. ii. 506; Colonial Records vi. 712.

We have not Shirley's answer, but there is some correspondence accidentally extant which shows that Governor Morris found at least one response to his anxieties and alarms at the sudden incursions of the poor exiles. The Chief Magistrate of the neighbouring province of New Jersey was Jonathan Belcher, the father of him who, as Chief Justice of Nova Scotia, according to Mr. Bancroft, had by his stern opinion that they were "rebels," and "recusants," fixed the doom of the Acadians. Father and son seem to have had harsh sympathies. On the 22d of November, Morris writes to Belcher very much to the same effect as he had written to Shirley, and the day but one after (25th) Belcher replies:

"I am truly surprised how it could ever enter the thoughts of those who had the ordering of the French Neutrals, or rather Traitors and Rebels to the crown of Great Britain, to direct any of them into these Provinces, where we have already too great a number of foreigners for our own good and safety. I think they should have been transported directly to old France, and I entirely coincide with your honor that these people would readily join with the Irish Papists, &c., to the ruin and destruction of the King's Colonies, and should any attempt to land here, I should think, in duty to the King and to his good people under my care, to do all in my power to crush an attempt."

It is well none of the exiles wandered as far as Elizabethtown. They would have been effectually "crushed out" there.

¹ Pa. Arch. ii. 513.

On the 24th November, Gov. Morris made the arrival of the Neutrals the subject of a special message to the Assembly, informing them he did not think it safe to permit them to land; that he had ordered guards to be placed on the vessels below the town, and that in consequence of an alarm of sickness amongst the crowded sufferers, some of them had been landed at Province Island.

It is pleasant now to turn from this record of Proprietary harshness—this intolerant sympathy of Deputy Executives, to the action of the representatives of the people and of the people themselves; and here my defence of Pennsylvania properly begins.

The student of our colonial history need not be reminded of the dismal continuity of disputes between the Assembly and the Governors on the questions of taxation and supplies. It is hard to deduce any political principle from our records, unless it be new confirmation of the truth that all absenteeism, and all imitation of feudalism, with its manors, and its quit-rents, and its privileged estates, are especially uncongenial to our Pennsylvania habits of thought and action. It is searcely worth while now to inquire who were right and who were wrong, for it is all swept away as part of the rubbish of our story. The poor Deputy Governors, agents of the Proprietaries, had a hard time. Exactions from the metropolitan authorities — actual invasion and danger on the one hand, and on the other, annoying resistance, and cavilling, and murmurs on the part of those who alone could raise revenue to meet their demands and requisitions. The Neutrals arrived, however, at a propitious moment. There happened to be a lull in the

storm of controversy. On the very day that Governor Morris sent to the Assembly his message about the Neutrals, he communicated the soothing news that the Proprietaries, on hearing of General Braddock's defeat, had sent an order on the Receiver General for £5000, to be applied for the common safety. The Assembly was for the time pacified. They voted a new Bill of Supplies, and resolved at the same moment to make provision for the sustenance and protection of the Neutrals.¹

I am proud to say that, in their relations to those unfortunate fugitives, I find on the records of the popular representative body no trace of the malignant animosity and sectarian antipathy which actuated the Executive. fully impracticable as Penn's principles had shown themselves when applied to periods of war and invasion, and danger from the strong and armed hand without, yet when the homeless fugitive and stranger came and asked a place of refuge, the beautiful feature of the Quaker character, charity, in its highest sense, and charity, too, which knows no difference of creed, seemed more beautiful than ever. The great principle of liberty of conscience and toleration was put in practice towards these exiled "Papists," and it certainly is very hard, with this unquestioned record before us, that the Friends of Pennsylvania should be now-a-days charged with mercenary inhumanity.

But our meagre records show there was another influence in favor of the exile. There were hereditary national sympathies at work aside from all matters of technical religion, which gave the French exiles in Philadelphia a



¹ Votes, 519, 523.

welcome that they had no right to expect. Papists or not, they were French men, and women, and children — and there were in Quaker garb, living in Philadelphia, men of French descent, who, though Huguenots, and sprung from that glorious race of men, the European Protestants of the sixteenth century, still felt kindly to those who were Frenchmen like themselves. The Benezets, and Lefevres, and De Normandies, of Philadelphia, came from the same soil years ago, as did the Landrys, and Galerms, and Le Blancs, and Melançons, and Thibodeaus, and accordingly I find that while the Assembly paused in no unreasonable delay of counsel, this minute is made.

"Antony Benezet, attending without, was called in, and informed the House that he had, at the request of some of the members, visited the French Neutrals now on board sundry vessels in the river, near the city, and found that they were in great want of blankets, shirts, stockings, and other necessaries; and he then withdrew, (whereupon) Resolved, That this House will allow such reasonable expenses as the said Benezet may be put to in furnishing the Neutral French now in the Province." 1

Antony Benezet, the Huguenot Quaker, was the first almoner to these poor fugitives, and it was with no reluctant gratitude that one of their number, in the first memorial to the Assembly, said:—"Blessed be God that it was our lot to be sent to Pennsylvania, where our wants have been relieved, and we have, in every respect, been treated with Christian benevolence and charity."²

Nothing, however, beyond the general trust in Mr.



¹ Votes, 524.

Benezet and the other citizens connected with him, was done; for early in December, the Assembly adjourned till March, 1756. Before they reassembled, it appears from the public accounts that at least £1000 currency had been expended for the relief of the Neutrals.¹

The Assembly was convoked specially by the Governor early in February, and on the 11th, their attention was called to the Neutrals by a petition from one of their number, Jean Baptiste Galerm, and a list of the names of the individuals and the families of the exiles given. The petition is preserved in a translated form, but the list is unfortunately lost. The petition contains a brief and temperate statement of the causes which led to the exile of the Acadians, a strong expression of gratitude for the kindness with which they had been received, and a protestation of their passive loyalty (and more than this no one had a right to expect) to the British crown. contains no prayer for specific assistance. A bill for the relief, or, as it is rather ambiguously expressed in its title, for "dispersing" the inhabitants of Nova Scotia into the counties of Philadelphia, Bucks, Chester, and Lancaster, was immediately introduced, and on the 5th of March, 1756, became a law by the Executive approval.2

This law is now before me, and I can see nothing in it but considerate kindness. The exiles were to be divided, not dispersed, among the counties designated, in order "to give them an opportunity of exercising their own labour

¹ See also Morris' Letter, 1st Feby., 1756, to Gov. Dinwiddie, Pa. Arch. 562.

² Votes, 537, 545.

and industry, and they were to be supported at the public expense, and among the commissioners named to carry it into execution were not only those who, as Friends, had been active in this and every scheme of benevolence, but those whose French descent and sympathies may be inferred from their names. Antony Benezet was not one, but there were Jacob Duché, and Thomas Say, and Abraham de Normandie, and Samuel Lefevre. There is nothing like a disruption of families hinted at. It was to continue in force twelve months, and no longer.

What exactly was done, or attempted under this act, there is no means of knowing. Down to July of this year, when Governor Denny arrived, upwards of £1200 had been spent in their support, and this too, although there were difficulties created by the exiles themselves, who, though willing to be supported as objects of charity, evidently thought — for this is the fair construction of their recorded conduct — that by refusing to work, they would force a recognition of their rights as prisoners of war, and as such be entitled to be exchanged or sent back to France. One cannot blame them for this sort of contumacy, and yet it made the duty of kindness and protection not an easy one. Governor Morris, who seems to have been an especial victim of the Gallophobia of his time, took his farewell of his function by letters to Lord Loudoun, the new Governor-General, and to Sir Charles Hardy, filled with alarms as to French spies and Papal influence. any one now-a-days, afflicted with a fear of Romanistic or Foreign influences, will look back to the terrors of a century ago, he may, if capable of any rational process, learn a





salutary lesson. "By means," writes Governor Morris, on 5th July, 1756, "of the Roman Catholicks who are allowed in this and the neighbouring Province of Maryland, the free exercise of their Religion, and therein the other privileges of English Freemen, the French may be made acquainted with the steps taken against them; nor do I see how it is possible to detect them, as from the head of Chesapeak Bay the roads thro' this Province to Potomic are open and much travelled, especially by Germans, who have a large settlement at Frederick town in Maryland, a frontier place near Kittochtinny Hills; none are examined who pass that way." To which Sir Charles, the Governor of New York, promptly replies: "I am inclined to think the Treasonable correspondence must have been carried on by some Roman Catholicks, and I have heard you have an Ingenious Jesuit in Philadelphia." 1 Let me here pause and ask which, now-a-days, seems most preposterous -Frederick town, in Maryland, being a frontier town, or an American Governor being afraid of a Jesuit! And yet both were so, one hundred years ago.

On the 27th of August, and on the 2d of September, the Neutrals addressed, in person, earnest and pathetic memorials both to the Assembly and the Executive Council. A candid examination of these papers, written with great eloquence and precision, satisfies me that they were meant not merely to tell their tale of actual sorrow, but to use, as I have already hinted, their sufferings as an argument for restoration to liberty, or their return to Europe. The two ideas are always closely interwoven.

¹ Pa. Arch. ii. 690, 694.

"We humbly pray," they say to the Assembly, "that you would extend your goodness so far as to give us leave to depart from hence, or be pleased to send us to our nation, or anywhere to join our country-people; but if you cannot grant us these favours, we desire that provision may be made for our subsistence so long as we are detained here. If this, our humble request, should be refused, and our wives and children be suffered to perish before our eyes, how grievous will this be! - had we not better have died in our native land?" They admit they have refused cows, and gardens, and modes of industry, because, say they, "we will never consent to settle here." Governor they spoke the same language of supplication and remonstrance; though one may almost suspect satire in their affectionate loyalty, when they beg to be suffered to join their own nation "in the same manner which it has pleased his Majesty, King George (whom may God preserve!), to cause us to be transported here contrary to our will." The remonstrance, be its object what it may have been, had no effect; for, while the Assembly paused, the Governor sternly repelled the supplicants, with the decision that they could not and should not be treated as prisoners of war, and hinted to the Assembly that it was expedient that the Neutrals should be more generally dispersed.2

On the meeting of the Assembly in October, 1756, there is a sad revelation on its records of the sufferings of these poor people—made, too, not by them, but by one of the kindest of the voluntary almsgivers. It is the petition of

¹ Col. Rec. vii. 239.

² Ibid. vii. 241.

William Griffitts, one of the Commissioners. Disease and death had been busy among the exiles. Many had died of the small-pox, and, but for the care that had been bestowed on them, many more would have perished miserably. The overseers of the rural townships refused to receive them. The prejudice against the foreigners prevented the employment of those who were willing to work; "and many of them," says this paper, "have had neither meat nor bread for many weeks together, and been necessitated to pilfer and steal for the support of life." 1

The simple Acadian farmers, who, in their once happy and secluded homes, a short year ago,

"Dwelt in the love of God and of man,"

had become, or were becoming, mendicant pilferers in the streets of Philadelphia! It is piteous to think of the contrast.

This appeal again moved the Assembly, and in as short a time as the dilatory forms of legislation of the times permitted, a new bill was enacted, entitled an Act for binding out and settling such of the Inhabitants of Nova Scotia as are under age, and for maintaining the aged, sick, and maimed at the charge of the Province.²

It was of this measure—the compulsory binding out, to learn trades, of the children of those who could not support them—that the exiles most loudly complained; and the most elaborate remonstrance that is to be found on our records, was induced by it. It is a document of impassioned, and, to my mind, rather artificial rhetoric,

¹ Votes, 645.

² Ibid. 677, 685.

of which, as before, the key-note was a prayer for deliverance; but, let it be observed, no one word, from first to last, of complaint of personal or harsh treatment. "From this Province," they say, "we have experienced nothing but good; for which ourselves, our wives, and our children, shall not cease to supplicate the Almighty that He will heap upon you all blessings, spiritual and temporal."

. Hard as is the lot of the poor and incapable parent to be deprived temporarily of his children — especially hard is it where there are differences of language and religion - it is idle to deny the right and the duty of the Legislature, when the necessity arises, to make such compulsory provision. I confess I am unable to see what less or what else the Assembly could have done; and so, in their perplexity, they seemed to think; for, after a vain attempt to confer further with the Governor and his Council, and to ascertain what they thought best to be done, the whole subject was dropped. The Act of January, 1757, with a short supplement remedying some matter of detail, was the last legislative act, with the exception of constant and liberal appropriations of money, amounting, in six years, from November, 1755, to 1761, to the not inconsiderable sum of upwards of £7000; to which neither the Crown nor the Proprietaries, as far as I can discover, contributed a farthing — the first having its hands full with a European war and schemes of conquest, and the latter watching their estates and devising schemes, to use Thomas Penn's phrase in a letter to Mr. Hamilton, of "getting the better of the Assemblies."2

¹ Votes, 685.
² Hamilton MSS: Letter, 25 February, 1755.

On or about the 7th of March, Pennsylvania and its capital were honored by the presence of the new commander-in-chief, a Peer of the Realm, John, Earl of Loudoun. His was the first coronet that had ever shone on this distant and simple land. There was feasting and rejoicing when he came, and around him no doubt clustered the loyal worshippers of rank and authority; but all the while, so say the legislative records, the poor Neutrals were pining away in misery—not the less intense because, in some measure, self-inflicted. On the 3d of March, 1757, the authorities were instructed by the Assembly to act for their relief, "so as to prevent them (these are the words of the resolution) from perishing from want."

Lord Loudoun remained but a few days in Philadelphia, but quite long enough to inflict, by the exercise of his high powers, a new pang and a new indignity on the poor Neutrals. He, or rather Secretary Peters for him, found it necessary to ascertain the exact number of Roman Catholics in the Province, so that this terrible danger might be guarded against; and in the Colonial Records I find the following modest letter from the priest, which one would think might have lulled to rest the anti-papal elements of the time:

"Honored Sir:—I send you the number of Roman Catholics in this town, and of those whom I visit in the country. Mr. Sneider is not in town to give an account of the Germans, but I have heard him often say, that the whole number of Roman Catholics, English, Irish, and

¹ Votes, 700, 715.

Germans, including men, women, and children, does not exceed two thousand.

"I remain,

ROBERT HARDY."

The poor remnant of French Neutrals did not seem worth counting!

The Earl of Loudoun was a fit representative of the ministry of that day; for he was utterly incapable, and perversely tyrannical. He was considered "a man of judgment and ability" by the Duke of Newcastle. He was superseded promptly and contemptuously by Mr. Pitt, on his accession to office a few months later, who sent to America manly men to do his work of beneficent energy. It was Lord Loudoun of whom Dr. Franklin has preserved the traditionary jest, that he was like St. George on the signs, always on horseback and never advancing. He distrusted and disregarded Washington. He fretted Franklin. He was just the man for a little persecution of these poor exiled Neutrals. He was in Philadelphia, as I have said, but a few days; but long enough for his work of small despotism.

In the Colonial Records of 1757,² is a Sheriff's warrant, issued by the Governor, at the request of Lord Loudoun, directing the apprehension of Charles Le Blanc and Jean Baptiste Galerme, now in Philadelphia city; Philip Melançon, at Frankford; Paul Bujauld, at Chester; and Jean Landy, at Darby, as suspicious and evil-minded persons, who have uttered menacing speeches against his Majesty and his liege subjects. They are to be arrested and committed to jail.

¹ Chatham Correspondence, i. 237.

² Col. Rec. vii. 446.

To this warrant the Sheriff made no return that has been preserved; but the following curious and characteristic letter from Lord Loudoun, for which I am indebted, within the last few days, to Mr. Bancroft, and which has never before been made public, explains the act of wrong. There is in it something much more like a delivery of these poor people to slavery than anything that Pennsylvania annals afford. The indignity of petitioning in French sounds strangely to us of a century later.

The letter, however, speaks for itself:

[EARL OF LOUDOUN TO WILLIAM PITT.]

Extract.

"25th April, 1757.

"Sir — * * * * When I was at Pensilvania I found that the French Neutrals there had been very mutinous, and had threatened to leave the women and children and go over to join the French in the back country; they sent me a Memorial in French setting forth their grievances. I returned it and said I could receive no Memorial from the King's subjects but in English, on which they had a general meeting at which they determined they would give no Memorial but in French, and as I am informed they come to this resolution from looking on themselves entirely as French subjects.

"Captain Cotterell, who is Secretary for the Province of Nova Scotia, and is in this Country for the recovery of his health, found among those Neutrals one who had been a Spie of Colonel Cornwallis and afterwards of Governor Lawrence, who he tells me had behaved well both in giving accounts of what those people were doing and in bringing them intelligence of the situation and strength of the French forts and in particular of Beausejour; by this man I learnt that there were five principal leading men among them who stir up all the disturbance these people make in Pensilvania, and who persuade them to go and join the enemy and who prevent them from submitting to any regulation made in the country, and to allow their children to be put out to work.

"On finding this to be the case, I thought it necessary for me to prevent, as far as I possibly could, such a junction to the enemy: on which I secured those five ringleaders and put them on board Captain Talkingham's ship, the Sutherland, in order to his carrying them to England, to be disposed of as his Majesty's servants shall think proper; but I must inform you that if they are turned loose they will directly return and continue to raise all the disturbance in their power, therefore it appears to me that the safest way of keeping them would be to employ them as sailors on board ships of war.

LOUDOUN.

"The Right Hon.

"WILLIAM PITT.

(Indorsed) "R. July 6th."

It is quite possible that the men thus exiled (and of their fate there is no trace) may have been the leaders, the speakers, the writers for the exiles; for after they went away, there appears no recorded remonstrance or petition from the others. They wasted away_in_uncomplaining misery,—pensioners on charity. They are rarely referred to in public documents.

On the 9th of February, 1761, a committee of inquiry on the subject was appointed by the Assembly, and on the 26th they reported as follows:

"We, the committee appointed to examine into the state of the French Neutrals, and to report our opinion of the best method of lessening their expense to this province, have, in pursuance of the said appointment, made inquiry, and thereupon do report—

"That the late extraordinary expenses charged by the overseers of the poor, have been occasioned by the general sickness which prevailed amongst them, in common with other inhabitants, during the last fall and part of the winter; this, added to the ordinary expense of supporting the indigent widows, orphans, aged and decrepid persons, has greatly enlarged the accounts of this year. They have likewise a number of children, who, by the late acts of Assembly, ought to have been bound out to service, but their parents have always opposed the execution of these laws, on account of their religion; many of these children, when in health, require no assistance from the public; but in time of sickness, from the poverty of their parents, become objects of charity, and must perish without it.

"Your Committee called together a number of their chief men, and acquainted them with the dissatisfaction of the House on finding the public expense so much increased by their opposition to those laws, which were framed with a compassionate regard to them, and tending

immediately to their ease and benefit, and assured them that, unless they could propose a method more agreeable to themselves for lightening the public burden, their children would be taken from them, and placed in such families as could maintain them, and some effectual method taken to prevent the ill effects of idleness in their young people.

"They answered, with appearance of great concern, that they were very sorry to find themselves so expensive to the good people of this Province; reminded us of the late general sickness as the principal cause of it, which they hoped might not happen again during their continuance here; that in expectation of lessening this expense, and of obtaining some restitution for the loss of their estates, they had petitioned the Court of Great Britain, and humbly remonstrated to his Majesty the state of their peculiar sufferings, and as the Governor had been so kind as to transmit and recommend their said petition and remonstrance, they doubted not but the King would be so gracious as to grant a part of their country, sufficient for their families to resettle on, where they flatter themselves they shall enjoy more health, and be free from the apprehensions of their children being educated in families whose religious sentiments are so different from theirs. In the mean time they pray the indulgence of the government in suffering them to retain their children, as they find, by experience, that those few who are in Protestant families, soon become estranged and alienated from their parents; and, though anxious to return to Nova Scotia, they beg to be sent to old France, or anywhere, rather than part with

their children; and they promise to excite and encourage all their young people, to be industrious in acquiring a competency for their own and their parents' subsistence, that they may not give occasion for complaints hereafter. How far they may succeed in this, or their application to the Crown, is very uncertain. We are of opinion that nothing short of putting in execution the law, which directs the Overseers of the Poor to bind out their children, will so effectually lessen this expense, unless the Governor, with the concurrence of the Commander-in-Chief of the King's forces, shall think fit to comply with their request and transport them out of this Province.

"Nevertheless, your Committee being moved with compassion for these unhappy people, do recommend them to the consideration of the House, as we hope that no great inconvenience can arise from the continuance of the public charity towards them for a few months longer; and think it just to observe, that there are amongst them numbers of industrious labouring men, who have been, during the late scarcity of labourers, of great service in the neighbourhood of this city.

"Submitted to the House."

I find but one other minute, and that tells a sad tale. I quote it in the simple words in which it appears on the Journal of Assembly. It is on the 4th of January, 1766:

"A petition from John Hill, of the city of Philadelphia, joiner, was presented to the House and read, setting forth that the petitioner has been employed from time to time

¹ Votes, 143.

to make coffins for the French Neutrals who have died in and about this city, and has had his accounts regularly allowed and paid by the Government, till lately; that he is now informed by the gentlemen commissioners, who used to pay him, that they have no public money in their hands for the payment of such debts; that he has made sixteen coffins since his last settlement (as will appear from the account) without any countermand of his former orders; he therefore prays the House to make such provision for his materials and labour in the premises as to them shall seem meet. Ordered to lie on the table."

With this coffin-maker's memorial, so far as I have been able to trace it, ends the authentic history of the French Neutrals in Pennsylvania. All the rest is tradition; and with tradition, that fruitful source of error, I have nothing to do. Mr. Watson, in his Annals, tells us that for a long time the remnant of the Neutrals occupied a row of frame huts on the north side of Pine street, between Fifth and Sixth, on property owned either by Mr. Powel or Mr. Emlen; and those ruined houses, known as the Neutral Huts, are remembered distinctly by persons now living. What at last became of these poor creatures, it is not easy to ascertain from evidence. Their very names have perished. I have diligently searched the earliest extant Directories, and cannot find any one of the name that are known to us as belonging to them.

One other fact, proved by the official records, is that which I have already alluded to, that from November, 1755, till the Revolution, when ruder cares occupied the

Jan.

¹ Votes, 465.

attention of our Pennsylvania legislators, there appears to have been expended for the support of the exiles, by public authority alone, aside from private benefaction—always bountiful in Philadelphia—no less a sum than £7500, currency, or about \$20,000.

In this retrospect of a sad chapter of local history, I find nothing to wound the proper pride or excite the blush of Pennsylvania, and nowhere a trace of truth to justify the wanton aspersion on our fame, that Pennsylvania sold, or wished to sell, or thought of selling, these or any other human beings into slavery. The only colour for it comes in the shape of a very slight tradition embalmed in Mr. Vaux's Life of Benezet. It is this: "Such was Benezet's care of the Neutrals, that it produced a jealousy in the mind of one of the oldest men among them, of a very novel and curious description, which was communicated to a friend of Benezet, to whom he said: 'It is impossible that all this kindness can be disinterested; Mr. Benezet must certainly intend to recompense himself by treacherously selling us.' When their patron and protector," adds Mr. Vaux, "was informed of this ungrateful suspicion, it was so far from producing an emotion of anger or indignation, that he lifted up his hands and laughed immoderately." Pointless as this gossiping anecdote is, the aspersion on our character rests on no other foundation. I have tracked the humble story of the Acadian exiles through authentic and official proofs, with little or no aid from contemporary correspondence, though much may exist that I have not had access to. There is no allusion to the Neutrals in the Shippen Papers, or in that far more inte-

¹ Life of Benezet, 88.

resting and valuable collection, the Hamilton MSS.; and Dr. Franklin, who wrote letters and pamphlets on almost every subject, and who was in Philadelphia when the Neutrals came, and for months afterwards, is silent about them. I have no doubt, however, that my vindication rests upon truth.

And closing this little essay, written rapidly, and at such short intervals as I have been able to snatch from daily drudgery, I cannot but recall the moral with which I began, made more pointed by the reflection the sad history suggests, that no kindness, no charity, no compassion can heal entirely the wound which religious persecution inflicts on the heart of man; no sympathy, slow or active, can lull to rest resentments which a sense of such wrong These poor Catholic fugitives died in their faith. They hugged it to their wasted bosoms more closely, because they were persecuted and exiles. They died heartbroken, and the stain of their agony rests on the English name. It is made immortal, as I have said, in poetry of the English language; for Evangeline will live long after the feeble, persecuting statesmen of George the Second's reign are forgotten. Let those — and there seems a sort of centenary cycle in matters of this kind - who would persecute or proscribe for opinion's sake, and limit by political exclusion the right to worship God in the form which he who worships chooses; who would, if let alone, join in the hunt or exile of those who, like the Acadians, cherish the faith of their childhood and their ancestors, let them read this story, and beware of the sure retribution of history.

Should the opportunity occur, and, what is far more uncertain, the inclination continue, I hope on some future day to read a paper, as desultory as this, on the next visit of the French to Philadelphia; when, twenty-five years later, they came here triumphant, our welcome auxiliaries; when French noblemen and French priests were about the streets; and when, perhaps, as we may hope, they walked across the Potters' Field, which I remember, to Pine and Sixth streets, to look at the mouldering remains of the Neutral huts, or trace out the Neutral grayes.

A RELATION OF THE MISFORTUNES OF THE FRENCH NEUTRALS,

As laid before the Assembly of the Province of Pennsylvania

BY JOHN BAPTISTE GALERM, ONE OF THE SAID PEOPLE.1

ABOUT the year 1713, when Annapolis Royal was taken from the French, our Fathers being then settled on the Bay of Fundi, upon the Surrender of that Country to the English, had, by virtue of the Treaty of Utrecht, a Year granted them to remove with their Effects; but not being willing to lose the Fruit of many Years labour, they chose rather to remain there, and become Subjects of Great Britain, on Condition that they might be exempted from bearing Arms against France (most of them having near Relations and Friends amongst the French, which they might have destroyed with their own Hands, had they consented to bear Arms against them). This Request they always understood to be granted, on their taking the Oath of Fidelity to her late Majesty, Queen Anne; which Oath of Fidelity was by us, about 27 Years ago, renewed to his Majesty, King George, by General Philipse, who then allowed us an Exemption of bearing Arms against France; which Exemption, till lately, (that we were told to the contrary) we always thought was approved of by the King. Our Oath of Fidelity, we that are now brought into this Province, as well as those of our Community that are carried into the neighbouring Provinces, have always inviolably observed, and have, on all Occasions, been willing to afford all the Assistance in our Power to his Majesty's Governors in erecting Forts, making Roads, Bridges, &c., and providing Provisions for his Majesty's Service, as can be testified by the several Governors and Officers that have commanded in his Majesty's Province of Nova Scotia; and this, notwithstanding the repeated Sollicitations, Threats, and Abuses, which we have continually, more or less, suffered from the French and French Indians of Canada on that Account, particularly about ten Years ago, when 500 French and Indians came to our Settlements, intending to attack Annapolis Royal, which, had their Intention succeeded, would have

¹ Broadside, in a Volume of the Pennsylvania Gazette, Philadelphia Library, Folio No. 992. As it follows the paper issue, No. 1418, of February 26, 1756, I presume that is about the date of its publication. It is proper to state that, from the absence of Mr. Reed in China, as Minister Plenipotentiary from the United States, the foregoing paper has not received his correction, in passing through the ress.—T. Ward.

made them Masters of all Nova Scotia, it being the only Place of Strength then in that Province, they earnestly sollicited us to join with, and aid them therein: but we persisting in our Resolution to abide true to our Oath of Fidelity, and absolutely refusing to give them any Assistance, they gave over their Intention, and returned to Canada. And about seven Years past, at the settling of Halifax, a Body of 150 Indians came amongst us, forced some of us from our Habitations, and by Threats and Blows would have compelled us to assist them in Way-laying and destroying the English, then employed in erecting Forts in different Parts of the Country; but we positively refusing, they left us, after having abused us, and made great Havock of our Cattle, &c. I myself was six Weeks before I wholly recovered of the Blows I received from them at that Time. numberless are the Instances which might be given of the Abuses and Losses we have undergone from the French Indians, on Account of our steady Adherance to our Oath of Fidelity; and yet, notwithstanding our strict Observance thereof, we have not been able to prevent the grievous Calamity which is now come upon us, which we apprehend to be in a great Measure owing to the unhappy Situation and Conduct of some of our People settled at Chiegnecto, at the Bottom of the Bay of Fundi, where the French, about four Years ago, erected a Fort; those of our People who were settled near it, after having had many of their Settlements burnt by the French, being too far from Halifax and Annapolis Royal to expect sufficient Assistance from the English, were obliged, as we believe, more through Compulsion and Fear than Inclination, to join with and assist the French; which also appears from the Articles of Capitulation agreed on between Colonel Monckton and the French Commander, at the Delivery of the said Fort to the English, which is exactly in the following words.

With regard to the Acadians, as they have been forced to take up Arms on Pain of Death, they shall be pardoned for the Part they have been taking. Notwithstanding this, as these People's Conduct had given just Umbrage to the Government, and created suspicions to the Prejudice of our whole Community, we were summoned to appear before the Governor and Council at Halifax, where we were required to take the Oath of Allegiance, without any exception, which we could not comply with, because, as that Government is at present situate, we apprehend we should have been obliged to take up Arms; but were still willing to take Oath of Fidelity, and give the strongest Assurances of continuing peaceable and faithful to his Britannick Majesty, with that Exception. But this, in the present Situation of Affairs, not being Satisfactory, we were made Prisoners, and our Estates, both real and personal, forfeited for the King's Use; and

¹ Gentleman's Magazine for July, 1755, Page 332.

Vessels being provided, we were sometime after sent off, with most of our Families, and dispersed among the English Colonies. The Hurry and Confusion in which we were embarked was an aggravating Circumstance attending our Misfortunes; for thereby many, who had lived in Affluence, found themselves deprived of every Necessary, and many Families were separated, Parents from Children, and Children from Parents. Yet blessed be God that it was our Lot to be sent to Pennsylvania, where our Wants have been relieved, and we have in every Respect been received with Christian Benevolence and Charity. And let me add, that notwithstanding the Suspicions and Fears which many here are possessed of on our Account, as the we were a dangerous People, who make little Scruple of breaking our Oaths, Time will manifest that we are not such a People: No, the unhappy Situation which we are now in, is a plain Evidence that this is a false Charge, tending to aggravate the Misfortunes of an already too unhappy People; for, had we entertained such pernicious Sentiments, we might easily have prevented our falling into the melancholy Circumstances we are now in, viz: Deprived of our Substance, banished from our native Country, and reduced to live by Charity in a strange Land; and this for refusing to take an Oath, which we are firmly persuaded Christianity absolutely forbids us to violate, had we once taken it, and yet an Oath which we could not comply with, without being exposed to plunge our Swords in the Breasts of our Friends and Relations. We shall, however, as we have hitherto done, submit to what, in the present Situation of Affairs, may seem necessary, and with Patience and Resignation bear whatever God, in the Course of his Providence, shall suffer to come upon us. We shall also think it our Duty to seek and promote the Peace of the Country into which we are transported, and inviolably keep the Oath of Fidelity that we have taken to his gracious Majesty, King George, whom we firmly believe, when fully acquainted with our Faithfulness and Sufferings, will commiserate our unhappy Condition, and order that some Compensation be made us for our Losses. And may the Almighty abundantly bless his Honour, the Governor, the honourable Assembly of the Province, and the good People of Philadelphia, whose Sympathy, Benevolence, and Christian Charity, have been, and still are, greatly manifested and extended towards us, a poor distressed and afflicted People, is the Sincere and earnest Prayer of

JOHN BAPTISTE GALERM.

THE CASE

O F

MAJOR ANDRÉ.

WITH

A REVIEW OF THE STATEMENT OF IT

IN

LORD MAHON'S HISTORY OF ENGLAND.

BY CHARLES J. BIDDLE.



The Case of Major André.

THE case of Major André may seem to be a trite subject upon which to offer any observations to the Society.

I, certainly, should have so regarded it, before the publication of the last volume of Lord Mahon's History of England. But, in that work, there is an effort made to open the judgment which public opinion in this country—if not throughout the world—has passed upon the case, and to disparage the conduct of all the American actors in it, save Benedict Arnold.

Lord Mahon expresses it as his opinion, that the death of André is to be considered as the "greatest blot" upon the career of Washington; and he proceeds to attribute that which he condemns to an undue sternness in the character of Washington, and to his culpable omission to examine for himself the facts of the particular transaction; whereby, we are to believe, one not standing within the scope of capital punishment by the laws of war, unjustly suffered an ignominious death.

Before examining further this grave imputation, allow me to aid your recollection of some of the material facts of the case of André.

Arnold, to give greater value to his purposed defection, had applied for and obtained the command of West Point and its military dependencies. To deliver them into the hands of the enemy, he contrived a scheme "so villanously perfidious," that we are surprised to find no word of reprobation of it or its author, in the pages of the English historian.

As Arnold had not a single confederate among his subordinates, as no disaffection existed in the garrison, save in

I can find no authority whatever, for ascribing to Arnold any expression of repugnance to the French alliance, until after the commencement of his secret relations with the British. To this period, I think, the "always" (italicised above, by me) must be restricted. I am, of course, aware of his manifestoes published after his defection, attributing it to enmity to France, zeal for the Protestant religion, &c., and of some early imputations of Toryism, that grew out of his social relations.

[&]quot;Arnold's conduct is so villanously perfidious, that there are no terms that can describe the baseness of his heart." (Washington to Reed. Life of President Reed, by W. B. Reed, vol. ii. 277.)

In commenting upon another part of Arnold's conduct, viz: his practices while in command at Philadelphia, Lord Mahon's censure reaches this height: "As the military chief of a great town, Arnold displayed arrogance in his demeanour, and ostentation in his style of living;" but this is soon compensated by the following palliation of his treason: "With these personal causes of resentment, there mingled, perhaps, some others of a public kind; he had always disapproved an alliance with France, and viewed its progress with great aversion and jealousy." With respect to this "public cause of resentment," it needs only to be mentioned that he did not sell himself to the British until he had tried, in vain, to sell himself to the French. The interview with M. de la Luzerne, the French Minister—in which Arnold solicited pecuniary favors, the consideration for which was to be his devotion to the interests of France—is related by the Count de Marbois. (Complot d'Arnold, p. 39.)

his own breast, it was not on persuasion nor command that he relied, to bring about a surrender. It was his design, and to this, for some time previous, all his dispositions tended so to post his garrison, that in numbers and position it could everywhere be taken at disadvantage, and thus—at a signal from him, their leader—the American troops, overwhelmed in an unequal conflict, should fall an easy sacrifice to the enemy's attack. Such was Arnold's scheme—a double treason, to his country and to his comrades.

There were also circumstances which countenance the belief that he hoped so to time the execution of the plot, that the person of Washington should be included in the capture.

But the terms of the bargain, and the details of its execution, were yet to be adjusted; and for this purpose an interview between Arnold and André was now concerted.

¹ Life of President Reed, vol. ii. 277. Washington's Writings, vii. 256. Complot d'Arnold, 116. A valuable addition to our knowledge on this point has been made by the publication, in the Historical Magazine of Boston, (vol. i. No. 4. 102.) of the Journal of Lieutenant Mathew, the MS. of which was communicated by his son, George B. Mathew, Esq. (formerly Captain in the Coldstream Guards and Governor of the Leeward Islands, and lately H. B. M. Consul at Philadelphia) to Thomas Balch, Esq., of Philadelphia. Lieutenant Mathew served in America as aid-de-camp to General Edward Mathew. The following is an extract from the Journal. "In September also, the _____, the unfortunate Major André suffered. The circumstances of his death are too well known to need any account here. The plan, had not Major André been discovered, was that Sir Henry Clinton, on a certain day agreed upon between him and General Arnold, was to lay siege to Fort Defiance. Fort Defiance is reckoned almost impregnable. . . . General Arnold was immediately to send to Washington for a reinforcement, and before that could arrive, was to surrender the place. Sir Henry was then to make a disposition to surprise the reinforcement, which probably would have been commanded by General Washington in person. Had this plan succeeded, it must have put an end to the war."

For Arnold, with extreme caution, had maintained a reserve that would screen him from detection in case of interception of his letters, and leave him, to the last moment, free to fulfil or to retract his offers, as might best accord with his own interest, and the current of events. All his letters were anonymous, and, in figurative language, spoke only of "good speculations," "ready money," and the "price of tobacco."

Clinton earnestly desired to bring this ambiguous communication to an end, for the time for action was fully come. He says in a despatch to Lord Germain, "it became necessary at this instant, that the secret correspondence, under feigned names, which had been carried on so long, should be rendered into certainty, both as to the person being General Arnold, commanding at West Point, and that the manner in which he was to surrender himself, the forts, and the troops to me, should be so conducted, under a concerted plan between us, as that the King's troops sent upon this expedition, should be under no risk of surprise or counter-plot, and I was determined not to make the attempt, but under such particular security."

Here we find Arnold still uncompromised, Clinton in dread of "surprise or counter-plot," and the whole enterprise, with the great results it promised, depending on the success of André in his mission.² To the "vast advantages"

¹ Sparks' Arnold, ch. x. 168.

^{2 &}quot;The public can never be compensated for the disappointment of the vast advantages which must have followed from the success of your plan." (Lord Germain to Clinton. Sparks' Arnold, ch. xvi. 308.) In the archives of London, Mr. Sparks was allowed to peruse the entire correspondence between the British commander in America and the Ministry, concerning Arnold's defection. (Preface to Sparks' Arnold. Mahon, vii. 63.)

to his country and to his patron, was joined the expectation of signal rewards to himself; no incentive was wanting from patriotism, pride or interest, to stimulate the zeal of André.

Arnold's original plan was that André should come directly to head-quarters at West Point, in the character of one well affected to the American cause, and bearing important intelligence; and for his admission within the outposts, an order to pass and expedite him upon his way was issued by Arnold to Colonel Sheldon, the officer commanding there. André, accepting the personation of this character, wrote, under the assumed name of Anderson, to Colonel Sheldon, informing him that the person expected by Arnold would come out under a flag of truce, on a day named, to Dobb's Ferry, a point without the American lines. But this, and some other attempts, miscarried; "though the plans had been well laid," says General Clinton, "they were constantly frustrated by untoward accidents;" till, on the 20th of September, 1780, we find André on board the British sloop-of-war, the Vulture, off Teller's Point, a place some fifteen miles below West Point.

The next day a flag of truce was despatched to the shore, ostensibly for an open communication with the American authorities, but really to intimate to Arnold the fact of André's arrival. Thus with abuses of a flag of truce, began the disastrous adventure in which André was to involve his life and honour.

On the night of the same day, September the 21st, Arnold despatched an emissary, named Joshua H. Smith, in a boat, with muffled oars, rowed by two labourers, who, with some compulsion, had been prevailed upon to go on

what seemed to them to be a suspicious errand. midnight they neared the Vulture, and were immediately hailed and ordered to come on board, where they met with rough treatment, for their presumption in approaching the ship at such an hour of the night, till an officer in the cabin directed that Smith should be brought below. There he made known his errand, and it was arranged that the boat should immediately return to the shore with Mr. Anderson, who was, in fact, Major André. The assertion afterwards made by Smith and Arnold, that this communication with the Vulture was under a flag of truce, was, you perceive, entirely without foundation, and André disdained to support them in a falsehood so palpable, expressly declaring "that it was impossible for him to suppose that he came ashore under the sanction of a flag." Indeed, the hour of midnight, the real character of the expedition, the parties to it and the concert between them, exclude the possibility of such a sanction; and the pretence is dignified much above its merits by Lord Mahon, when he styles it "a disputed point." After reaching the shore, André spent some time in conference with Arnold, and then the boat was dismissed, though a return to the Vulture was at that time practicable; but the objects of André—to identify Arnold, to concert minute details with him, and adjust his extortionate demands — were not to be accomplished in a hurried interview, on the bank of the river, in darkness, and continual dread of interruption.

They proceeded, therefore, within the American lines, to Smith's house, from which his family had been removed, in anticipation, apparently, of the place's being needed for a clandestine rendezvous. Here Arnold and André spent together what remained of the night, and a portion of the next day, and, in addition to oral information, the following papers were obtained by André:

- 1. The orders recently issued directing where each corps was to take post in case of an alarm.
- 2. An exhibit of the force at West Point and the military positions in its neighbourhood.
 - 3. An estimate of the force requisite to man the works.
- 4. A return of the ordnance in the different redoubts and batteries.
- 5. Remarks on the works, with a description of each, its strength and construction; being a report recently made upon them by an eminent French engineer.
- 6. A report of a council of war, held, on the 6th of September, at head-quarters, containing suggestions in respect to the next campaign, which had been confidentially communicated to Arnold by General Washington, a few days before.¹

The information without which, as Clinton declares, an attempt was impossible, was now in the hands of André, in a shape that compromised Arnold definitively, and made sure the bargain that had been so long delayed, and so often "frustrated." The documents acquire additional

A later, and it was the last communication made by Washington to Arnold, dated the 14th of September, was also confidential: "I shall be in Peekskill on Sunday evening, on my way to Hartford, to meet the French admiral and general. You will be pleased to send down a guard of a captain and fifty men, at that time, and direct the Quartermaster to endeavour to have a night's forage for about fifty horses. You will keep this to yourself, as I wish to make my journey a secret." (Writings of Washington, vii. 204.)

interest from their influence upon the fate of André. It has been attempted to exculpate him, in this transaction, by an alleged compulsion or necessity. The fear of capture, it has been said, justified disguise — the force of circumstances drew him reluctantly within the American lines; but, when there, no constraint is imaginable that could compel him thus to possess himself of the secrets of the enemy. This voluntary and unequivocal act gave an indelible colouring to all his other acts, and stamped them with a character that led inevitably to his condemnation as a spy; for, if he sought only escape, as was alleged, from a position into which he had been drawn unwillingly, he would have made the attempt empty-handed; and, in charging himself with these papers, it is by no means probable that he yielded to any importunity from Arnold, whose habitual caution may well have taken alarm at the perils which beset the return of André.1

The phrases "André was induced," "compelled," "prevailed on," occur in Lord Mahon's volume; but, when unsustained by explanation or proof, they must be classed with what Bentham calls "question-begging appellatives." In the relation in which they stood to each other, Arnold could exert no authority over André: the lawful authority

De Marbois represents Arnold as unwilling to risk the transmission of the papers (Complot d'Arnold, 123): some he did retain (Dr. Thatcher's Military Journal, 262): his solicitude for their concealment is mentioned in the subsequent statement of André (Writings of Washington, vii. 536): Arnold, writing in the British camp, and endeavouring to exculpate André by assuming—as he could then do very safely—the responsibility for the whole transaction, says merely: "I delivered him confidential papers in my own hand-writing, to deliver to your Excellency." (Arnold to Clinton. Writings of Washington, vii. 535.)

of the American commander was paralyzed, as to one who was an accomplice with him in treason; and, in that character, André was not more in the power of Arnold, than Arnold was in the power of André.'

The true explanation is to be found, I think, in the ardent and impulsive temper of André, incited by the great advantages to his country's arms, and the splendid rewards to himself, that were promised by the scheme, the success of which seemed now to depend upon his efforts. To avert failure from it, at every personal hazard, was the self-imposed necessity that indeed constrained him. This held him back from a return to the Vulture before he had

¹ I am not unmindful of certain expressions in André's letters, which may, however, be interpreted as pleading the force of circumstances, rather than compulsion from any person; and, in this connection, it must be remembered that exculpatory statements made in his own interest, by the accused party, in the extremity of peril, are, in historical as in judicial investigations, not to be classed with satisfactory evidence. "Experience shows that, under the bias of interest, men scarcely ever judge correctly, or give a fair and impartial evidence. They are then induced to suppress some circumstances, to soften others, and to give the whole matter such a turn as is most favourable to themselves. This, then, is the principal circumstance that renders testimony suspicious." (Gambier's Moral Evidence, 119.) From these influences André could claim no exemption: "What I have, as yet, said concerning myself, was in the justifiable attempt to be extricated," is the admission made in one of his letters. (Washington's Writings, vii. 531.) Indeed, all his letters written while in confinement, had objects which were, with him, of greater concern than accuracy. He had at stake his own life and honour, and, as he believed, the reputation and peace of mind of his patron: "I am bound to him by too many obligations, and love him too well, to bear the thought he should reproach himself or others should reproach him, on the supposition of my having conceived myself obliged by his instructions to run the risk I did. I would not for the world leave a sting in his mind that should embitter his future days. I wish to be permitted to assure him," etc. (André's statement to Hamilton. Life of A. Hamilton, by J. C. Hamilton, i. 271.)

completed his errand; and this now led him, at every risk, to seize the opportunity to obtain definite information and a full committal of himself from Arnold; which these documents amply furnished.

For, though Clinton ventures the assertion that he could have supplied the want of plans of the works, by his acquaintance with the ground (which he had visited three years before, when none of the works had been erected), an assertion irrelevant if true, for the value to his employer of the intelligence obtained is not the measure of the spy's offence; yet Clinton's own despatch, which I have cited, expressly admits that he was "determined not to make the attempt" without a knowledge of Arnold's disposition of his forces, and his scheme for their treacherous surprisal. These particulars Arnold had not yet furnished, and this interview with him had been sought

¹ General Clinton says: "Notwithstanding his imprudence in having possessed himself of the papers which they found on him, which, though they led to a discovery of the nature of the business that drew him to a conference with General Arnold, were not wanted, as they (the Board of American officers) must have known, for my information. For they were not ignorant that I had myself been over every part of the ground on which the forts stood, and had of course made myself perfectly acquainted with everything necessary for facilitating an attack upon them." (Mahon, vii. Appendix VII. Extract from Sir Henry Clinton's MS. Memoirs.) The time here referred to by Sir Henry Clinton was that of his brief occupation of Forts Clinton and Montgomery, which he captured October 6th, and evacuated and destroyed October 26th, 1777. But, at that period, West Point, six miles further up the river, was not a fortified position. In a letter to Washington, dated December 20th, 1777, Governor Clinton recommended "that a strong fortress should be erected at West Point." "This," says Mr. Sparks, "was probably the first suggestion, from any official source, which led to the fortifying of that post." (Writings of Washington, v. 178.) The works were constructed in 1778-9; and, except André, no British officer had penetrated within them.

because it was "necessary, at this instant," that the "secret correspondence should be rendered into certainty," both as to the plans of Arnold and his identity and good-faith, of which Clinton, full of reasonable suspicion, required "particular security." André felt too deep an interest in the plot to suffer it to be delayed or baffled by any risk or scruple; and, with a full knowledge of the danger, he did not shrink from incurring it. Indeed, to his emulous spirit, the danger was but an incentive to the act, in refraining from which he might have seemed to prefer his personal safety to the interests confided to him. His zeal and courage no one It has been said, with more truth than is will denv. common to epitaphs, that "he fell a sacrifice to his zeal for his king and country"—an English Mutius, as some people called him; but it was in voluntarily braving the well-known penalties denounced by the laws of war, that his zeal, and courage, and self-devotion were, in this instance, displayed. This conception of his motives appears to me to be the only one consistent with the established facts: it is countenanced by the statements and opinion of the Count de Marbois, a contemporary and subsequent narrator of these events; and in the account published

¹ Prior to the conference, on the 16th of Scptember, 1780, between Washington and the French Minister, the Chevalier de la Luzerne, Baron Steuben wrote to Col. Hamilton: "M. de la Luzerne desires me to join him on his route, to accompany him to head-quarters. * * * His secretary, M. de Marbois, is a counsellor of Parliament, from Metz, in Lorraine, speaks good English, and is a man who shows much information and judgment." (History of the Republic, etc., by John C. Hamilton, i. 557.) The Chevalier, himself, was more a man of the world than a man of business. Marbois was his adviser and his guide. (MS. Memoirs of Duponceau. Vide post, note to page 352.)

soon after, in the London Annual Register, in the department of that work which was under the supervision of Edmund Burke, the transaction is thus characterized: "Objects of vast importance will necessarily occasion a deviation from all general rules, if not from the principles of action. That now in view, was the most momentous that could well be offered. It held out, along with the conclusion of a doubtful and dangerous war, no less than the final subjugation, without condition or treaty, of the revolted American colonies. It is not then to be wondered at, that the near apparent grasp of so great a prize should banish all lesser considerations; and prove such a spur to enterprise as no risque, danger, or possible consequences could be capable of counteracting. André, who, by his open bravery, high ideas of candour, and disdain of duplicity, was not so fit for an employment which, along with great mechanical boldness, required a proportionable degree of dissimulation and circumspection, yet possessed other qualities which seemed fully to counterbalance that deficiency. His fidelity and honour were fixed and unalterable; and these were qualities not much to be expected in those who, in other respects, might seem much better fitted for the purpose."

Very early on the morning of the 22d, an active American officer had brought a gun to bear upon the Vulture,¹

¹ The important consequences of this cannonade were not anticipated when the following note was written by Colonel Lamb:

WEST POINT, 20 Sept. 1780.

Sir:

I have sent the ammunition you requested, but, at the same time,
I wish there may not be a wanton waste of it, as we have little to spare.

driving her from her position and rendering communication with her dangerous; thus André was obliged to find some other mode of returning to the British camp, with his precious but perilous acquisitions. Disguised in clothes furnished by Smith — for, till this time, he had worn his uniform, concealed, however, under an overcoat that bore no indications of a military character, and was, in effect, a disguise - André, accompanied by Smith, crossed over to the left bank of the Hudson, to Verplanck's Point, and proceeded to a place called Crompond, where they remained all night; the representations of Smith, and a pass signed by Arnold, allaying the suspicions of the officers in command at those places. At the first dawn of light, the next morning, André hurried their departure. They seemed now to have passed the most formidable difficulties of their route; and André, who had been restless, taciturn, and depressed, rallied his spirits, and, to his companion's surprise, displayed a gaiety that strikingly contrasted with his previous gloom. Smith now concluded that his company was no longer necessary; and, parting from André, he hastened back to West Point, and relieved the anxious mind of Arnold from apprehensions for the safety of his confederate.

André pressed on alone; and, as he passed from the

Firing at a ship with a four-pounder, is, in my opinion, a waste of powder, as the damage she will sustain is not equal to the expense. Whenever applications are made for ammunition, they must be made through the commanding officer of Artillery, at the post where it is wanted.

I am, sir, yours, etc.,

JOHN LAMB.

COL. LIVINGSTON.

(Memoir of Genl. Lamb, by Izaac Q. Leake, ch. xix. 458.)

American lines, which must have seemed to him like the limits of the valley of the shadow of death, we may conceive, with no stretch of fancy, that there vanished the last shade of the dark forebodings that had hung heavy upon his soul for so many tedious hours, and his mind gave itself up to bright anticipations of the triumph of his cause and the fruition of his personal hopes. had left behind him the guards, and patrols, and sentries of the vigilant enemy, and now he looked out hopefully to descry the approach of friends. And here his fate awaited him. Three straggling militia-men, not on duty, but self-appointed to the office of stopping well-dressed travellers, bar his passage. This seems no terrible strait, for he has in his pocket the pass of General Arnold, intended for this very exigency; and if his wit, address, and courage serve him now, all will yet be well with him. Let him but show his pass. If they are Americans, it will avail; if they are of his own party, it is no great evil to be captured by his friends; or, if he but maintain the air of an ordinary traveller, a little management, and,

[&]quot;We belonged to no organised company at all; were under no command." (Statement of David Williams. Hist. of Schcharie County and Border Wars, by T. R. Simms, 647.) "Presently one of the young men who were with me said: 'There comes a gentlemanlike-looking man, who appears to be well-dressed and has boots on, whom you had better step out and stop, if you don't know him.' On that I got up, and presented my firelock at the breast of the person, and told him to stand." (Statement of John Paulding; Sparks's Arnold, chaps. xii. and xv.; See Dr. Thatcher's Military Journal, 260; Sparks's Correspondence of the Revolution, iii. 101; Vindication of the Captors of Major André: N. York, 1817; Lossing's Field-Book of the Revolution, i. 774: N. York, 1855: New England Magazine (statement of Dr. Thatcher), vi. 354: May, 1834; Historical Magazine of Boston, i. 204, July; Ibid. 333, November, 1857.)

perhaps, a little money, will open the way for him. all his wit, address, and readiness fail him now. At a word, an ambiguous word, from one of his captors, he cries out: "You are from below? - I, too, am from below; I am a British officer, on urgent business; do not detain me a They did detain him, and he saw his error: then he showed his pass, and said he was the friend of their General, and threatened them with his displeasure - but it was too late; he had let slip the fatal word that could not be recalled. They searched him closely, but discovered nothing till they came to his stockings; and inside of his stockings they found all the papers which I have already enumerated. When they saw these papers, they said he was a spy. Then André promised they should have any sum of money, any quantity of goods, if they would let him go - but it was all in vain. These men were not Arnolds, and they scorned a bribe from the public enemy. "If you gave us ten thousand guineas," said one of them, "you should not stir a step."

Thus, the scheme that men high in rank, and power, and intellect, had plotted against our country, was frustrated by the simplest and humblest in her service—"the weak things of the world hath God chosen that He may confound the strong;" and, reverently, Washington ascribes the event "to that overruling Providence which has so often and so remarkably interposed in our favour."

Washington to Reed; Life of President Reed, by W. B. Reed, ii. 277. He also wrote to Laurens: "In no instance, since the commencement of the war, has the interposition of Providence appeared more remarkably conspicuous, than in the rescue of the post and garrison of West Point from Arnold's villanous perfidy" (Writings of Washington, vii.

Passing over intervening circumstances, which, though highly interesting, are not relevant to my present purpose, I come at once to the condemnation of André, which has been made the subject of Lord Mahon's severest animadversion.

It was within the scope of the Commander-in-Chief's authority to consign Major André to instant execution, as a spy taken in the act.¹ But, with characteristic humanity and caution, Washington convened, for the investigation of the case, a Board, consisting of all the general officers on the spot, with directions to report the facts, with their opinion of the light in which the prisoner ought to be considered, and the punishment that ought to be inflicted. If it be an advantage to the accused, to require the concurrence of men of various characters and opinions in the decision of his fate, the advantage was

Captain Nathan Hale was arrested as a spy, and, on the 21st of September, 1776, taken before Sir William Howe, examined by him, and, with no other form of trial, ordered to execution on the following morning at day-break. (Life of Hale, by J. W. Stuart, 115.)

^{256);} and to Gen. Heath: "By a most providential interposition, Major André was taken in returning to New York." (Ibid. 217.)

Lord Mahon speaks of André's letter to Washington, at this time, as "frankly avowing his name and rank;" but here was, in no emphatic sense, an exhibition of "frankness;" for it was this avowal that gave to his case the importance that, at least, delayed his doom; since, as Washington says, "he was taken under such circumstances as would have justified the most summary proceedings against him." (Washington to Clinton, vii. 538.) This Botta perceived; for he praises André for not avowing his name, and so risking immediate execution, in order to gain time for the benefit of Arnold. "Temendo di nuocere ad Arnold, se si discoprisse tosto, qual' egli era e non curando il pericolo, che correva vicinissimo di essere immediatamente, come spia, posto a morte, quando si risapesse, aver egli dissimulato il proprio nome, continuava ad affermare esser desso Anderson." (Guerra Americana, libro xii. 231.)

afforded by Washington to André, in an unusual degree, by the constitution of this Board.

The Report was as follows:

"The Board having considered the letter from his Excellency, General Washington, respecting Major André, Adjutant-General to the British army, the confession of Major André, and the papers produced to them, REPORT to his Excellency, the Commander-in-Chief, the following facts, which appear to them relative to Major André.

"First, That he came on shore from the Vulture sloop-of-war, in the night of the twenty-first of September, instant, on an interview with General Arnold, in a private and secret manner.

"Secondly, That he changed his dress within our lines, and, under a feigned name, and in a disguised habit, passed our works at Stony and Verplanck's Points, the evening of the twenty-second of September, instant, and was taken the morning of the twenty-third of September, instant, at Turrytown, in a disguised habit, being then on his way to New York, and when taken, he had in his possession several papers which contained intelligence for the enemy.

"The Board having maturely considered these facts, do also report to his Excellency, General Washington, That Major André, Adjutant General to the British army, ought to be considered as a spy from the enemy, and that agreeable to the law and usage of nations, it is their opinion he ought to suffer death.

As printed in the contemporary publication of it and the correspondence on the occasion, by order of Congress.

Nath. Greene, M. Gen'l, President,
Stirling, M. G.
Ar. St. Clair, M. G.
Lafayette, M. G.
R. Howe, M. G.
Stuben, M. G.
Saml. H. Parsons, B. Genl.
James Clinton, B. Genl.
H. Knox, B. Genl. Artillery,
John Glover, B. Genl.
John Patterson, B. Genl.
Edward Hand, B. Genl.
J. Huntington, B. Genl.
John Starke, B. Genl.
John Starke, B. Genl.

To you, to whom many of these names are as familiar as household words, I doubt not the judgment of this tribunal will seem to be of great authority. Lord Mahon says, "the verdict ought to have no weight in such a case, and Washington, far from relying on it, was bound either to refer the question to such men as Knyphausen and Rochambeau, adjoining with them, perhaps, Steuben, or to ponder and decide it himself. Had he considered it with his usual calmness and clear good sense, it seems scarcely possible, that with all the circumstances so utterly unlike, he should have pronounced the case of André to have been the same as that of a common spy." Upon what Lord Mahon founds his inference that Washington did not ponder and decide it himself, it is difficult to imagine. That he did

decide it, is unquestionable; indeed, in a technical sense, he alone decided it. For the board that considered it, was not a tribunal competent to pass sentence on the prisoner, but was a mere advisory board of inquiry, charged to investigate facts, and report an opinion - the ultimate decision resting with the commander-in-chief. Lord Mahon, perhaps, concludes that Washington, in allowing the board to deliberate, thereby discharged his own conscience, abdicated his own right of judgment, and did not himself deliberate at all. But this is not countenanced by the recorded facts, nor by the opinions of Washington on the case as expressed in his letters, nor by his known character, one of the traits of which - so marked as to have escaped no observer—is thus described by Mr. Jefferson: "Perhaps the strongest feature in his character was prudence—never acting until every circumstance, every consideration was maturely weighed, refraining if he saw a doubt, but when once decided, going through with his purpose, whatever obstacles interposed. Hence the common remark of his officers, of the advantage he derived from councils of war, where, hearing all suggestions, he selected what was best." To say of such a man that, in a case involving human life and especially attracting his attention, he failed to ponder or consider it, is to affirm that which is contrary to our experience of ordinary men in less important cases; for rarely does any magistrate or ruler, vested with the power of life and death, exert it in the inconsiderate manner thus attributed to Washington.1

¹ If more particular proof is needed of Washington's consideration of the case, it may be found in his letter to Congress, of Sept. 26, 1780, 22

Indeed, the hypothesis of the condemnation of André by Washington, in deference to the opinions of others, amounting, in fact, to a charge of too great facility of temper, is in contradiction with the assertion made on the next page of the history, where Lord Mahon declares there is no sufficient evidence that Washington showed any reluctance, but that, on the contrary, he exhibited a culpable sternness in determining the fate of André.

Without pausing to inquire what precise weight was allowed by Washington to the report of the board, let us examine the grounds of Lord Mahon's assertion, that it was

(three days after the capture of André) in which he speaks of "the letter of the prisoner endeavouring to show that he did not come under the description of a spy;"-in his condescending to receive from Arnold two argumentative letters upon the subject; also in his reception of, and replies to, the letters of Generals Robertson and Clinton, and his deputing General Greene to confer with General Robertson, of whom Clinton writes to Washington: "I shall send his Excellency, Lieutenant General Robertson, and two other gentlemen, to give you a true state of facts, and to declare to you my sentiments and resolutions;"- and in the postponement of the execution of the sentence, to give time for this conference — as well as in Washington's mention of the case in his letters to Greene, Rochambeau, and Laurens. After the conference, which lasted several hours, Greene, by letter, apprised General Robertson: "Sir; Agreeably to your request, I communicated to General Washington the substance of your conversation in all the particulars, so far as my memory served me. It made no alteration in his opinion and determination." Whereupon, General Robertson, not content with this verbal transmission of his arguments, committed them to writing, and forwarded them directly to Wash-André was arrested on the 23d of September, and executed on the 2d of October, at noon. Probably, no man was ever proceeded against so deliberately for the same offence. Far from not considering the case, as Lord Mahon strangely charges, Washington seems to have patiently applied to it those great reflective powers, wherein lay the peculiar strength of his intellect, and which, when circumstances favoured their deliberate exercise, brought him, with a certainty as unerring as belongs to human faculties, to fixed and wise conclusions.

entitled to no weight at all. An extreme assertion, surely, in respect to a tribunal which, the historian himself would admit, comprised the highest rank, intelligence, and character, of the army from which it was taken, and therefore was entitled, we should think, to *some* weight, at least with the commander of that army.

The President of the Board was General Greene, who in his youth had worked at a blacksmith's forge; and Lord Mahon, generalizing from this fact—he cites no other—asserts that the American Generals "were, for the most part, wholly destitute of a liberal education." "They were men," he says, "drawn from the ploughhandle or the shop-board at their country's call. Such men, having no light of study to guide them—having never, probably, so much as heard the names of Vattel and Puffendorf—could be no fit judges of any nice or doubtful point of national law."

In passing, I may mention that Greene was of poor, but not illiterate parentage; and the earliest anecdotes of his boyhood represent him as an assiduous reader. But I do not perceive that an officer of mature years, standing, in the opinion of his contemporaries, second to none but Washington in all the qualifications of an accomplished general, was, of necessity, incompetent to form an intelligent judgment, in the line of the profession which he then adorned, because he had in youth laboured in a mechanical calling.

The inconclusiveness of such reasoning is strikingly exhibited by this very case of General Greene, whose literary culture is thus estimated by his biographer, Dr. Caldwell, who says: "Of historians, Hume was his favourite;

of metaphysicians, Locke; of poets, Shakspeare and Milton; of the ancient classics, Horace. The latter work he constantly carried in his pocket, and read it familiarly, partly for amusement, and in part that he might retain his knowledge of the classics. For although deprived of the advantage of an early and liberal education, his classical attainments had become, by his own industry, in the midst of active engagements and the toils of war, highly respectable. This information is derived from one of the first scholars in the country, who communicates it upon personal knowledge."

Indeed, to the instance of Greene may be added that of Washington himself, to say nothing of many other great examples, to prove that a youth debarred from the advantages of what is generally known as "a liberal education" may yet, with the aid of natural genius, expand to a wise and accomplished manhood.

I cannot but regard this estimate of General Greene's mature capacity by a reference to his humble origin, as an instance of aristocratic prejudice in the noble author,

This is confirmed by the testimony of Duponceau, in his Memoirs: "I have a lively remembrance of the evening which we spent at the inn where we lodged together after our departure from Philadelphia (Nov. 1780). I had then a long and interesting conversation with General Greene, which turned entirely upon the Latin Classics, with which he seemed very familiar. Judge Johnson, in his life of that General, has said that he had not received a classical education. I do not know how that was, but the fact that I now relate is as I have stated it. Mr. Johnson having had the kindness to send me a copy of his work, I wrote to him to correct what I considered to be a mistake; but he persisted in his opinion, saying he had the fact from good authority. If so, the General must have been his own instructor, and all I can say is, that he had a good teacher." (MS. Memoirs of Peter S. Duponceau. See post, note to page 352.)

like that of Madame de Créquy, who did not speak to Franklin, our ambassador, when he sat next to her at Versailles, because she did not know what to say to a printer.

But it so happens that, on examination, I find the sweeping assertion of Lord Mahon to be, in fact, applicable, so far as anything is certainly known, to the origin of only two of the officers who sat upon the Board of Inquiry: Greene, of whose competency I have spoken, and Stark, who had in youth followed the ploughshare, but soon exchanged it for the sword, and, as an officer of Provincials, served through the whole Seven Years' War, under the ablest Generals of Great Britain, and with her best troops, thus gaining the military experience which recommended him to the confidence of his countrymen, from the outset of the Revolutionary struggle. His brother, William Stark, who adhered to the British service, rose in it to the rank of Colonel.

On the other hand, Lord Stirling, St. Clair, Hand, Clinton, Howe, and Huntington, were men of education—not bred to the mechanic arts—and except Huntington, had all been in the military service of Great Britain, before the Revolution.² Lord Stirling had been carefully instructed

¹ Stark was favorably known to Amherst and Lord Howe, and to other Commanders in the war with France. (See Life of Stark by Edward Everett.) It is related that when General Gage reconnoitred the position of the Americans on the day of the battle of Bunker's Hill, he said: "If John Stark is there, they will stand."—He was there.

² See Duer's Life of Lord Stirling; Sketch of the Clinton Family, in Campbell's Life of De Witt Clinton; St. Clair's Narrative; Washington and his Generals, by J. T. Headley; Lossing's Field-Book of the Revolution, New York, 1855. Washington and the Generals of the American

by his father, a man of learning, and admitted, at an early age, into the military family of Governor Shirley, after Braddock's death, the Commander-in-Chief of the British forces in America. St. Clair had served under Wolfe; and he, and also Hand, had been educated in Europe for the medical profession. Clinton was of a distinguished family, had seen some service, and, says a biographer, "excelled in the exact sciences." Huntington was graduated, with honours, at Harvard College, in 1763. Howe preceded Arnold in the command of West Point, and was well known to Smith, who resided there. Though his feelings became very bitter against American officers in general, Smith says of Howe: "He had been previously in the British service, was well versed in tactics, a rigid disciplinarian, and was acknowledged to be an engineer of the highest reputation." Parsons had been a lawyer, and after the war filled a high judicial station. Knox had been a bookseller — it would be rash to impugn his knowledge, at least, of "the names" of books; and I find it stated in Chastellux's Travels, that Knox dealt chiefly in French books, and spent more time in reading than in selling them, and that his reading was of a character to qualify him for military pursuits. You are aware of his distinction as an officer of artillery, one of the highest branches of the military art, and the eminent station which he filled in the Civil Government after the termination of the war. I am uninformed as to the scholarship of Patterson or of Glover; the former was a

Revolution, Philadelphia, 1848. To the comprehensive collection last mentioned, contributions were made from authoritative sources. Lossing's Field-Book is much increased in matter and value, in the edition of 1855.

¹ See post, note to 367.

respectable man and officer, but the only one of the Board of whose early history I can say nothing: of the latter I may mention, that he accepted his appointment of Brigadier-General at Washington's special solicitation, which was prompted by a knowledge of his capacity. The Travels of Major-General, the Marquis de Chastellux, in America, during the years 1780, 1781, and 1782, exhibit, throughout, the very favorable impression made upon him by the cultivation of mind and manners of the American officers, with whom he, as an officer of the French auxiliaries, was much associated; and that he was not a too partial observer, is asserted by Brissot de Warville.²

De Chastellux calls Glover an "actif et bon militaire;" it is probable, but I believe not certain, that he had been a farmer before the war, but cultivation of the soil did not in America, so surely as Lord Mahon thinks, exclude cultivation of the mind. For instance, General Heath was a farmer of Massachusetts: his biographer calls him "a tiller of the soil," yet mentions his early devotion to the study of military writers; and this is confirmed by De Chastellux, who says of him: "He has read our best authors on Tactics, and especially the tactics of M. Guibert, which he holds in particular estimation." De Chastellux takes care to explain the acceptation of the word "Farmer" in America, to prevent the misapprehension of it by European readers.³

¹ Writings of Washington, iv. 399.

² Examen critique des voyages de M. de Chastellux; par B. de Warville.

³ Heath, in his own Memoirs, mentions simply that he "was brought up a farmer." The Marquis de Chastellux also says of him that he was a farmer, but adds this explanation: "Il ne faut pas perdre de vue, qu'en Amérique, Farmer signific cultivateur par opposition à Merchant, qui est

John Laurance (not John Laurens, with whom he is sometimes confounded), Judge Advocate General, born in Cornwall, England, was a man of high character and ability. Washington, during his Presidency, appointed Laurance Judge of the District Court of New York, and he was afterwards elected a Senator of the United States.¹

Without presumption, I think it may be affirmed that, in acquirements and natural capacity, the American officers of this board would not have suffered in a comparison with a like number of their contemporaries in the British service, of whom there were many whose pursuits, in youth and manhood, imply no special addiction to the study of Vattel and Puffendorf.²

le nom de tout homme qui s'occupe du commerce. Ici, comme en Angleterre, on entend par gentleman celui qui possède un freehold, ou une terre en propriété. Le Général Heath étoit donc Farmer ou gentleman." (i. 75.) Lossing's Field-Book of the Revolution, i. 765.

^{2 &}quot;Dr. Johnson observed, that 'it is wonderful how ignorant many officers of the Army are, considering how much leisure they have for study and the acquisition of knowledge.' I hope he was mistaken, for he maintained that many of them were ignorant of things belonging immediately to their own profession." (A. D. 1773. Boswell's Johnson.) "The Adjutant, under whom it was my duty to act when I was a Sergeant-Major, was, as almost all military officers are, or, at least were, a very illiterate man. He became shy of letting me see pieces of his writing." (Cobbett's Advice to Young Men, Letter i. 47.) See letter of Walpole to H. Mann, 21 August, 1755, (Correspondence, ii. 268) for the pursuits of General Braddock. He also appears as a character in Mr. Thackeray's new work of fiction, the earlier chapters of which have been published in Harper's Magazine. There he is made to say, "as for education, there were gentlemen of the Army, by George, who didn't know whether they should spell bull with two b's or one. . . . Nor is my Duke a scholar,' went on Mr. Braddock;" and in intelligence, he is represented as somewhat inferior to the "robustious, periwig-pated fellow, who tears a passion to tatters, to very rags," under the cognomen of the most distinguished Colonial officer of that day.

Indeed, he who fell furthest below the general standard of refinement and instruction of the superior grades of American officers, was Arnold; from defects in early education never supplied, and natural coarseness; yet with his great load of infamy superadded, he was found not disqualified for high rank and important command in the British Army.

But when Lord Mahon had dismissed all the American officers to their "shop-boards and plough-handles," there still remained the foreign officers, whom it was necessary to disparage before the opinion of the Board would be of no weight at all. To them the original taint of plebeian origin could not be objected. Such aptitude for the interpretation of military law as noble birth imparts, was possessed by the Marquis de Lafayette and the Baron von Steuben. But of Lafayette, Lord Mahon says: "He was

There was little in common between Lafayette and the Frenchmen of his age: they did not understand him; and, save on rare and great occasions, he stood apart from them, through life. In him revived the ancient

¹ Lord Mahon exhibits, throughout his work, a strong prejudice against Lafayette: in the sixth volume, page 153, is cited, with approval, a disparaging opinion of him, ascribed to Napoleon. He, indeed, did not love the stanch republican, and had no reason to; for it was Lafayette's voice that first told the Emperor, after Waterloo, that he and France were no longer one. But a greater and a better man loved him - no man was nearer than Lafayette to the heart of Washington. If the argument be "ad verecundiam," I think it may be rested here. Of the remarkable expressions of affection towards Lafayette, to be found in the letters of Washington, two examples may suffice: "Your forward zeal in the cause of liberty, your singular attachment to this infant world your strict and uniform friendship for me, have ripened the first impressions of esteem and attachment which I imbibed for you into such perfect love and gratitude as neither time nor absence can impair." (20 Sept. 1779.) "I have no expressions that can convey to you the warmth of my friendship and affectionate attachment." (25 March, 1787.)

only a youth of twenty-three, and who, as he tells us, had learnt little or nothing at his college;" and to this passage

"preux chevalier" of his nation—"the generous spirit of chivalry, exploded by the rest of the world, found a refuge" in his bosom. (Writings of Washington, vi. 78.) No ability, civil or military, vague ideas of liberty, and a character full of dissimulation, are the features of which Lord Mahon says: "It will, perhaps, be found more easy, by an admirer of Lafayette, to impugn the good-faith of the draughtsman than the general accuracy of the portrait." Want of room in a note, is the only difficulty that I — an admirer of Lafayette — feel in impugning both, and also the originalness of the picture, as ascribed to Napoleon. That he ever brought against Lafayette a charge of dissimulation, in any accepted sense of the word, I doubt; for it is in absurd contradiction with the whole course of Lafayette's conduct towards him, which was always frank and bold, and, in the height of his power, often defiant. I trace Lord Mahon's quotation to the authority of Gourgaud, whose mean duplicity at St. Helena may well discredit him. (See Lockhart's Life of Scott, ii. ch. xxxviii.) I prefer the testimony of the respectable Las Casas, who reports an opinion (iv. 249) that does more credit to Napoleon. While he was denying Lafavette's political sagacity, in heading the insurrection in the Chambers against the imperial power, a later act of generous magnanimity towards himself was recalled to him, with praise. "Monsieur," replied Napoleon, "we do not differ: I have attacked neither the sentiments nor the intentions of M. de Lafayette." ("Vous concordez avec ma pensée, loin de la combattre; je n'ai point attaqué ni les sentiments ni les intentions de M. de L.") The reverse of dissimulation was, in fact, the burden of Napoleon's complaint against him: "There is nothing to be done with him: he will listen to nothing: he is a man of estimable principles, but headstrong, obstinate, with but one political idea (un monomane politique). He does not understand me. I am sorry, for he is an honest man. him to be a senator; he refused." (De Bourrienne, iv. 366, 370.) Nor was there any dissimulation in his conduct towards the fatuously distrustful Bourbons. "Your Majesty knows my attachment; but you know, too, that if you separate yourself from the cause of the people, I remain with the people." "That is true," replied Louis XVI., coldly; "you have adhered to your principles." (Biog. Universelle, lxix. 367.) He repeatedly saved the lives of the Royal Family, at the risk of his own popularity, if not of his personal safety, says Lord Brougham. (Statesmen, etc. of George III.) I could cumulate proof that, far from entertaining "vague ideas of liberty," Lafayette, by his long and firm adherence the reference in the Index to Lord Mahon's history is, "Lafayette - his education much neglected." If this were true, the cases of Lafayette and Greene would happily exemplify the remark of Fielding: "It is as possible for a man to know something without having been at school, as it is to have been at school and to know nothing;" though it might be urged that the college of Lafavette, like the blacksmith-shop of Greene, was not, necessarily, the only place in which he could have acquired a knowledge of military law. In the army, which he entered before the age of sixteen, with an ardent ambition and a gravity beyond his years, he may not have neglected opportunities of instruction. But even as to the collegiate education of

to the American model, drew from all quarters the reproach that, in the varying exigencies of the times, he clung too closely to his "one idea:" "Il se croit toujours en Amérique, comme si les Français était les Américains!" said Napoleon. (De Bourrienne, v. 61.) "He sticks by the Washington formula, and by that he will stick alone of all Frenchmen he has a theory of the world and a right mind to conform thereto: he can become a hero and a perfect character, were it but the hero of one idea." (Carlyle's French Revolution, ii. 140.) I should rate high "the ability" that sustained him in the great, the long, the consistent part he played upon the theatre of the world, "with integrity unimpeached, his reputation unsullied, his consistency unbroken,"-Lord Brougham; who says also: "Having laid down to himself the rule . . . never to hold any fellowship with crime, even for the salvation of the country; never to do, or to suffer, or so much as to witness, evil that good may come, even the supreme good of the public safety: by that rule he uniformly held "

I will only add one anecdote, quite pertinent to the subject of this paper, showing how far off Lafayette held himself from the office of a spy. On his first visit to England, he forbore from looking into military affairs, and declined an invitation to inspect the naval armament at Portsmouth, because he harbored in his mind the intention to join the Americans. This is mentioned by Lord Mahon: indeed, from facts mentioned in his own pages, it would not be difficult to "impugn the general accuracy" of the "por-

trait" he presents of Lafayette.

Lafayette, Lord Mahon seems to have fallen into the error of miscitation. When he says Lafayette "tells us" he had learnt little or nothing at college, I understand it as a reference to Lafayette's memoirs of his own life, which in other places in the history are directly quoted. You may remember that it was by a misinterpretation of a passage in these memoirs, that Lord Mahon was led to prefer a charge—since frankly retracted—of intemperance against General Greene, in whom a marked trait of character was the Spartan severity of his personal habits.

¹ Some further explanation of this allusion seems to be due to the historian, and may not prove unamusing to the reader. Lord Mahon, in the sixth volume of his History, speaking of General Greene, described him as "an officer of bravery and enterprise, but of intemperate habits." An imputation so inconsistent with the well-known character of Greene, of which many authentic delineations exist, led to numerous calls, from this side of the Atlantic, for the authority upon which it was founded. It appeared that Lord Mahon had relied upon this passage in Lafayette's Memoirs: "Lord Stirling, plus brave que judicieux, un autre général souvent ivre, Greene, dont les talents n'étaint encore connus que de ses amis, commandaient, etc." This he interpreted to mean that Lord Stirling, more brave than judicious, and another general named Greene, who was often intoxicated, were the two persons in question. in fact, three persons were enumerated by Lafayette. With singular infelicity, Lord Mahon, by consulting the original, fell into an error from which the current English translation would have saved him. For, in it, the sense is properly rendered thus: "Lord Stirling, more brave than judicious, another general often intoxicated, and Greene, whose talents were only then known to his friends, commanded, etc." The error was, on the first opportunity, frankly admitted by Lord Mahon, with expressions of regret at its occurrence; and, in excusing it, he called attention to the ambiguity in the passage above cited. It will probably be thought that Lord Mahon, on this occasion, succeeds better in vindicating himself as a linguist than as an historian. The passage, though consistent with the French idiom, is certainly ambiguous, and admits of his construction. I have had an opportunity to reinforce my own incompetent judgment in the matter, by submitting the original text to a French gentleman unfamiliar

In this memoir, I find no confession of negligence by Lafayette; on the contrary, in the brief reference to the early period of his life, he alludes to "some successes as a scholar, animated by the love of glory and disturbed by that of liberty." "My entrance into the regiment of Musqueteers took me from my studies only on review days. I was never distracted from study, save by my desire of studying without restraint: I rarely merited punishment." "Il serait trop poétique de me placer d'abord dans un autre hémisphère, et trop minutieux de m'appesantir sur les détails de ma naissance de quelques succès d'écolier animés par l'amour de la gloire et troublés par celui de la liberté; de mon entrée aux mousquetaires noirs, qui ne me sortit de classe que pour les jours de revue; enfin de mon mariage à l'âge de seize ans précédé d'un séjour à l'Académie de Versailles. Arrivé au collége je ne fus distrait de l'étude que par le désir d'étudier sans contrainte. ne méritai guère d'être châtié; mais malgré ma tranquillité ordinaire, il eût été dangereux de le tenter, et j'aime à penser que, faisant en rhétorique le portrait du cheval

with the subject-matter, but critically skilled in the language; and his first impression agreed exactly with Lord Mahon's. We may still object, however, that Lord Mahon, as an historian, was in too great haste to cast "a blot" upon the fame of an eminent American patriot and soldier, by an off-hand translation of a single ambiguous phrase; when a very little acquaintance with the character which he undertook to delineate, or a very slight examination of authorities, would have warned him that the imputation was wholly inconsistent with established facts. To the five existing biographies of Gen. Greene, the American public has learned, with satisfaction, that a sixth is soon to be added, with a full collection of his writings.

parfait, je sacrifiai un succès au plaisir de peindre celui qui, en apercevant la verge, renversait son cavalier."

Indeed, from the character and opportunities of Lafayette, I should infer, that of the officers of the three armies then in the field, there was no one more likely to have stood the test of Lord Mahon's criterion of competency—a knowledge of popular treatises, in the French language, upon the laws of nations.

I am far from admitting, however, that unacquaintance with such works is conclusive of ignorance of the usages of war, which were unwritten customs, known and practised in armies, long before they were collected in the books of commentators.

But what exception can be taken to Steuben, that model of the accomplished veteran from the strict school of the great Frederick? Of him, Lord Mahon admits that he possessed "great knowledge and experience;" but, "speaking no English, while his colleagues spoke no French, was unable to discuss any controverted question with them." In proof of this alleged ignorance, Lord Mahon refers to the following anecdote, in Bowen's Life of Steuben:

"As the Baron slowly acquired our language, his eagerness and warmth of temper would involve him in difficulties. On such occasions, after exhausting all the execrations he could think of in German and French, he would call upon his faithful aid for assistance. "Venez, mon ami Walker, sacrez de gaucherie of des badauds—je n'en puis plus—I can curse dem no more."

Now, if we are to estimate his knowledge of our language by this dearth of expletives, to which, it is said, "eagerness and warmth of temper" reduced him, even in his own vernacular, still, the words "I can curse dem no more," may be allowed to exhibit some proficiency; and, in fact, the story commences, "as the Baron slowly acquired our language." He seems, too, to be represented as drilling the troops without help from any one, till defects, not in language, but in temper, "involve him in difficulties:" then it is that he has to call for Walker. Lord Mahon, here and elsewhere,1 builds much more upon this slight foundation than it will sustain. The incident may prove that Steuben got out of patience, breath, and oaths; but, far from exhibiting him as "speaking no English," it shows that he had acquired some, and was "slowly acquiring" more. It is given, in Bowen's Life of Steuben, rather as an illustration of character than as a measure of his knowledge of English; in which his gradual proficiency is exhibited by numerous anecdotes, throughout the work, which seem to have entirely escaped Lord Mahon's attention. But it is more important to observe, that the anecdote is, in fact, told of the Baron's first efforts at instruction at Valley Forge, at the beginning of the year 1778, more than two years and a half before the trial of André. Now, under ordinary circumstances, two years and a half will generally suffice for an intelligent sojourner in a foreign land to attain a competent knowledge of the language; and if duty require the constant, daily use of it, the progress is stimulated to a degree not readily appreciable by the mere student or traveller. Of this we have an example in Lafayette, whose correspondence, before the close of his

¹ Vol. vi. 155.

first year's service in America, exhibits remarkable facility and correctness. I have been told by those who knew him at a later period, that he had attained a thorough mastery of the English language, both for private conversation and public addresses. I should suppose it to have been not unlike what has since been exhibited by that great word-compeller, Kossuth. Mr. De Quincy thinks that "if the learner has the benefit of a rational plan of tuition, viz. the tuition of circumstances which oblige him to speak the language, and to hear it spoken, for all the purposes of daily life, there is perhaps no living idiom in Europe which would not be mastered in three months."

Madame (wife of General) Reidesel, says, in her Memoirs, that in six weeks she learned to read and ask for what she wanted; indeed, we have all observed the facility with which the Germans acquire the English language.

To this audience, I may appropriately mention Steuben's foreign aid-de-camp, Peter S. Duponceau,² who settled

¹ Essay on Bentley.

² Mr. Duponceau, as Secretary to Baron Steuben, arrived in America 1st December, 1777. He received from Congress a commission as captain, and was retained by Steuben as his aid-de-camp. He states that the Baron was unable to speak the English language on his arrival; but it may, perhaps, be inferred that he had some knowledge of the English literature of the day, from an expression which is mentioned: Duponceau, describing his own absence of mind, says: "Baron Steuben called me his Parson Adams." An anecdote of an occurrence a few weeks after their arrival, represents Steuben as asking questions in English. At the close of the campaign of 1779, Duponceau, being incapacitated for duty by an illness, was left at Philadelphia. He again joined the army in November, 1780. A sketch of his life, in the form of a Discourse before the Philosophical Society, by Dr. Robley Dunglison, was published in 1844; of which many of the personal details are from a memoir of the earlier period of his life, by Mr. Duponceau, which is still in manuscript. To this, through

amongst us, and was found qualified for admission to our bar as early as 1785. Some here present, no doubt, remember his fluent eloquence. Without asserting that the proficiency of so distinguished a philologist as Duponceau was attained by Steuben, it is demonstrable that the notion of the latter's speaking no English in 1780 is utterly erroneous. There are many particular proofs that might be

the politeness of his son-in-law, M. Garesché, I have had access. It is very interesting, and well deserves publication; but, being intended for his family, the incidents are, in general, of a personal nature. Another memoir of Mr. Duponeeau, especially upon his character as a linguist and philologist, and in connection with his disquisitions upon the Chinese language, was communicated to the Historical Society, in 1855, by J. R. Tyson, Esq. Mr. Duponeeau's learning, integrity, and warm attachment to his adopted country, gave him a high place in the esteem of his fellow-citizens. His long and honourable career ended on the 1st April, 1844; and he was interred with public honours.

1 Letters of the Baron's are extant which, with a few foreign idioms, exhibit a good command of the English language. The following are specimens of his way of speaking, from Dr. Thatcher's sketch of him. "In May, 1778, Congress appointed him Inspector-General, with the rank of Major-General While reviewing our regiment, he noticed in the ranks a very spruce young lad, handsomely formed, standing erect with the air of a genteel soldier The Baron, struck with his military appearance, patted him under his chin, to elevate his head still more erect, viewed him with a smile, and said: 'How long have you been a soldier? You are one pretty soldier in miniature: how old are you?" 'Seventeen, sir.' 'Have you got a wife?' Then calling to the Colonel, said: 'Colonel Jackson, this is one fine soldier in miniature." "Though never perfectly master of our language, the Baron understood and spoke it with sufficient correctness. He would sometimes, on purpose, miscall names, and blend or adopt words similar in sound, dissimilar in meaning. Dining at Head-Quarters, which he did frequently, Mrs. Washington asked what amusement he had recourse to, now that the certainty of peace had relaxed his labours? 'I read, my lady, and write, and play chess, and yesterday for the first time I went a-fishing. My gentleman told me it was a very fine business to catch fish, and I did not know but that this new trade might by and by be useful to me; but I fear I never can succeed. I sat in the

adduced, but I am content to rest upon the fact of his eminent success as an instructor, which was wholly incompatible with the entire inability to express himself in English, which Lord Mahon imputes to him. As evidence that he had displayed no incapacity for the duties of the Board of Inquiry, I may mention that, immediately upon its adjournment, he was selected, by Washington, as President of the Court that was to investigate the conduct of General Gates; and also, in the following year, of the Court appointed for the trial of Gen. Howe.

Granting even, for the sake of the argument, that he was as ignorant as Lord Mahon describes him, still, in addition to his ordinary modes of communication, he had with him on the board at least one competent interpreter in Lafayette; and on the spot was Hamilton, who had espoused with enthusiastic zeal the cause of André, and, says an eye-witness, "was daily searching some way to save him." So zealous an intercessor would not have omitted the obvious service of placing his perfect knowledge of the French language at the disposal of one of the most influential members of the board. It is scarcely to

'Also Colonels Franks, Lamb, and Livingston, then at West Point, certainly spoke French well. (Chastellux, i. 72, 86.) Lord Mahon (vol. vi.

boat three hours, it was exceedingly warm, and I caught only two fish; they told me it was fine sport.' 'What kind of fish did you take, Baron?' 'I am not sure, my lady, but I believe one of them was a whale.' 'A whale, Baron! in the North River?' 'Yes, I assure you, a very fine whale, my lady: it was a whale, was it not?' appealing to one of his aids. 'An eel, Baron.' 'I beg your pardon, my lady, but that gentleman certainly told me it was a whale.'" (Military Journal during the Revolutionary War, from 1775 to 1783, by James Thatcher, M. D. With an Appendix, containing biographical sketches of several general officers. Appendix, 518, 526.)

be supposed that Rochambeau or Knyphausen could have possessed any greater advantages for the consideration of the case. Indeed, it is difficult to treat with gravity the historian's proposition that Washington was bound to refer the case to those officers, the former of whom was at Newport, and the latter in command of the Hessian mercenaries in the camp of the enemy. Imagine the derision with which Lord Mahon, or any intelligent Englishman, would treat an aspersion upon the British commander in the Peninsular campaigns, for deciding, with the aid of his highest officers, the case of a French spy, without submitting it to General Cuesta, or "referring it" to Marshal Soult, or some one of his subordinates.

If I have shown that the historian has erred in his "plough-share and shop-board" hypothesis of gross ignorance in the American officers, perhaps it may appear, too, that he has not escaped error in the opposite direction. We may pertinently ask, upon what authority Rochambeau and Knyphausen are inducted into magisterial chairs in that

^{155,)} quotes an American authority to show that, except Captain Walker, perhaps no other officer but Hamilton, could speak French and English, so as to be well understood in both. But there were many foreign officers who spoke English, and even wrote it passably (see Life of Reed, i. 318); and a knowledge of the French was not so rare among the Americans; De Chastellux notes several, but not all the instances of it; for he does not mention it of Walker or Hamilton, both of whom he met. He says it was not common in America, but much neglected; perhaps it was less frequently brought to his notice, because he piqued himself upon his English, (see his Travels, passim,) and seems to have been not very well pleased to be addressed in French. (See his interview with Dr. Witherspoon. Voyages de Chastellux, i. 144; Paris, 1788.) Study, travel, intercourse with Canada, and with French residents, and foreign officers who joined our Army, must have enabled a good many of the Americans to acquire a knowledge of the French language.

Academy to which Steuben is only, "perhaps," to be admitted, and where Washington and his officers - vailing their country's dignity and their own -- were "bound" to come, in docile humility, as scholars. If Lord Mahon had given to General Rochambeau's Memoirs the same attention that he has bestowed on Lafayette's, he would have found a striking coincidence in the fact, that Rochambeau also, after a short course of study, left his school at the age of sixteen years,' and entered the military service. Of the extent of his acquirements in literature I can say only that the editor prefaces the Memoirs with an intimation that they are by a man of action, not a man of letters. His opinion of André's case appears in them; I shall quote it in another connection. Knyphausen was a German martinet, of whose stolid ignorance, off parade, we have the anecdote, that on his protracted voyage hither he was very anxious lest the ship "might have sailed past America in the night." He probably acquired but little English, as his military duty lay with his own countrymen. reference of André's case to him might have encountered one serious obstacle, in the difficulty of making the faithful

^{&#}x27;In Lord Mahon's sixth volume, the Memoirs of Lafayette are quoted with a nearer approach to precision than in the seventh. "His (Lafayette's) studies were slight, and soon interrupted; less, perhaps, by his entrance into the regiment of 'mousquetaires noirs,' (since, as he says himself, he was only taken from school on the days of a review,) but at the age of sixteen he was married to a daughter of the House of Noailles." Lord Mahon's account (vii. 466) of the English colleges, at that period, shows that the longest stay there was no equivalent for the briefest course of real instruction, or self-education. "To drink ale and smoke tobacco" are mentioned as the sum of acquirements at Oxford: see, also, the scornful description in the memoirs of Gibbon, who, removed to Lausanne, became one of the great scholars of the age. The reform at Oxford began A. D. 1800.

German mercenary understand, that he was seriously asked to determine — impartially of course — whether the rebels should hang Sir Henry Clinton's Adjutant-General! History does not, I believe, tell us what was the opinion of Knyphausen on the case. Probably, it agreed with that which, though embarrassing to maintain, was certainly held by many then, as it is by a few now, that all the ordinary questions of law and fact were irrelevant to the case of an interesting gentleman, a king's officer high in rank and favour.

The historian's confident demand of a "liberal education" in the American officers, as indispensable to the performance of their functions, might lead us to suppose that "they order this matter better" in England — that British valour is always guided by British learning - and that Bentleys and Porsons rather than Marlboroughs and Wellingtons, have taught the way to conquer. But I learn from a high authority in scholarship, that British officers do not share the advantage that protracted study earns for the class of which the historian is himself a distinguished ornament. Mr. de Quincy says: "Amongst the aristocracy all are thoroughly educated, excepting those who go at an early age into the Army; of the commercial body, none receive an elaborate, and what is meant by a liberal education, except those standing by their connections in the richest classes." (Note-Book, 145.)

Instead of inferring ignorance of the very "names of

¹ The American officer, at the present day, does not receive an education to which, in the scholastic sense, the word "liberal" is applied; for the dead languages form no part of the course of study at the U. S. Military Academy. But, under a rigid system of discipline, very thorough instruc-

Vattel and Puffendorf," from the supposed origin of the American officers, it would have been, perhaps, more pertinent to the question to have cited opinions of those writers in conflict with the judgment of the Board. With some diligence in the search, I have not been able to find them.

The work of Puffendorf is "rather a treatise on moral philosophy than on international law," and furnishes nothing that has a particular application to the question. Vattel's definition of a spy precisely includes the case of André: "Spies are those who introduce themselves among the enemy to discover the condition of his affairs, penetrate his designs, and communicate them to their employers." ("Ce sont des gens qui s'introduisent chez l'ennemi pour découvrir l'état de ses affaires, pénétrer ses desseins, et en avertir celui qui les emploie.") Now the especial purpose of André was to discover the condition of the works at West Point, and the disposition of the garrison, so that they might be assailed with advantage; and he was taken, in disguise, coming out from the American lines, within which he had clandestinely penetrated, bearing back to his employer full information of the position and designs of the The technical definition of the offence is exactly enemy. answered, and it is clear that in his rank and character —

tion is given in the sciences and arts purely, or by intimate relation, military, and in all the auxiliary branches of natural science; the course includes also moral and intellectual philosophy, general law, and the French language. Unusual opportunities for observation enable me to bear my testimony, which has, at least, the value of being wholly disinterested, to the complete success of this training, in forming officers competent alike to the extraordinary demands and to the ordinary routine of military service, and in whom is wanting no liberality of sentiment or clevation of character, that the most "elaborate" education could impart.

not in his acts—we must look for any distinction between the case of André and that of a "common spy." 1

Still more to the point is the summary of the Law of Nations, by Professor Martens, of Göttingen, a work commended by Chancellor Kent, and translated into English by William Cobbett. It is there laid down, "that those who, under a false name and disguised character, enter the

¹ Lord Mahon says: "It seems scarcely possible that, with all the circumstances so utterly unlike, he (Washington) should have pronounced the case of André to be the same as that of a common spy." (Mahon, vii. 70.) Captain Nathan Hale, sometimes called the American André, and no less, if not more than he, entitled to sympathy and remembrance, when about to volunteer for service as a spy, was advised by Captain Hull, "that such a service was not claimed of the meanest soldier, though many might be willing for a pecuniary compensation to engage in it; and as for himself (Hale), the employment was not in keeping with his character." This opinion would probably now prevail, unless overruled by the most imperious necessity; it must be a rare combination of circumstances that will induce a generous mind to stoop to the deception inseparable from the office of a spy. Hale, however, argued that "every kind of service necessary to the public good, was honourable by being necessary" (Memoirs of General Hull, 36); and Clinton, in his papers, says of André's case: "nor could he (Mr. Washington) be insensible, had he the smallest spark of honour in his own breast, that the example, though ever so terrible and ignominious, would never deter a British officer from treading in the same steps, whenever the service of his country should require his exposing himself to the like danger in such a war." (Mahon, vii. app.) It is said, that André was not the only British officer who acted the spy, in furtherance of the plot with Arnold. In the London edition of Chastellux's Travels, annotated by an Englishman who had resided in this country, it is stated: "there is every reason to believe that Arnold's treachery took its date from his connection with Lieutenant Hele, killed afterwards on board the Formidable in the West Indies, and who was, undoubtedly, a very active and industrious spy in Philadelphia, in the winter of 1778, whither he was sent for that purpose in a pretended flag of truce, which being wrecked in the Delaware, he was made prisoner by Congress, a subject of much discussion between them and the commander at New York." (Vol. i. 97, note by the translator; London, A. D. 1787.)

camp of the enemy in order to serve as spies, or to empoison, assassinate, or corrupt, are punished with death, being, besides, looked upon as acting without the order of their sovereign." And in the foot-note is added "see the instance of Major André." 1 You will observe that this writer classes with spies those whose purpose is to corrupt. I find, too, the same classification in a British statute, now in force, and passed as long ago as 1749, which provides: "that all spies and persons whatsoever who shall come, or be found in the nature of spies, to bring any seducing letters or messages from any enemy or rebel, or endeavour to corrupt any captain, officer, or mariner, or other in the fleet to betray his trust, being convicted of any such offence by the sentence of a Court Martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and the Court Martial shall impose."

This, though but a municipal law, is of weight in the argument, as a British legislative adoption of a principle recognized by the general laws of war, at least to this extent, that one who introduces himself clandestinely into the camp of the enemy, does not mitigate his offence by pleading that his errand was to corrupt an officer to the betrayal of his trust, or to tamper with the fidelity of the troops. Thus, no exception was ever taken to the summary execution of the emissaries of Clinton, engaged in fomenting the mutiny amongst the American troops at Princeton.

¹ Book viii. 285, where there is also a reference to a German publication (periodical apparently), which I have not been able to find.

That it was in the power of Arnold to grant immunity to his confederate, is another untenable position assumed by Lord Mahon. His argument is as follows: "Waiving, for the present, the disputed point as to the flag of truce, it is clear, at all events, that when André was arrested he was travelling under the protection of a pass which Arnold, as the commander of the West Point district, had a right to give. The Americans contend that this right was forfeited, or rendered of no effect, by Arnold's treacherous designs. Yet, how hard to reconcile such a distinction with plighted faith and public law! How can we draw the line, and say at what precise point passes grow invalid - whether when the treachery is in progress of execution, or when only matured in the mind, or when the mind is still wavering upon it. In short, how loose and slippery becomes the ground if once we forsake the settled principle of recognizing the safe-conducts granted by adequate authority, if once we stray forth in quest of secret motives and designs!"

Now, it is not to Arnold that a breach of "plighted faith" is here imputed, but to those against whom his treachery was directed, viz. Washington and the American Government. Let us inquire how they ever plighted their faith, and how they ever violated it in this transaction.

First, it is to be observed, that it is not under the authority implied in his commission, that a commander or governor sells himself to a treacherous co-operation with the enemy. Such a wrongful engagement is a mere personal act, for which his official character affords opportunity, but no sanction. Agreements made by officers, beyond the

extent of their powers, may be disavowed by superior authority, even where no bad faith is imputable. This principle, moderately applied, meets universal acceptance in all systems of "public law;" though it may be pushed to an unjust extreme, as when Nelson set aside a capitulation granted by his subordinate, and suffered those who upon the faith of it had laid down their arms, to be put to death. But, beyond all question, an act done in collusion with the enemy has no colour of validity, and imposes no obligation, legal or moral, upon those against whom the wrong is intended.

This is in precise analogy with the mercantile law. The principal is bound where the agent acts within the express or implied limit of his authority; if he exceed it, and, \hat{a} fortiori, if he be known to exceed it by him with whom he deals, no obligation rests upon the principal.

The treacherous betrayal of his trust was beyond the scope of Arnold's authority—it was known to be so by Major André—and no engagement made in furtherance of the scheme could pledge the faith of the Government that was betrayed, to one who was cognizant of the treason.

In fact, André did not come within the American lines under a passport or safe-conduct: had he done so, it would have been, in his case, of no avail; for a safe-conduct imposes on the holder an obligation to good conduct, as to acts of hostility—amounting to a quasi allegiance to the local sovereignty, co-extensive with the protection afforded; and a violation of the one is a forfeiture of the other. Not merely through "Arnold's treacherous designs," but

through André's participation in them, and his own covert designs and practices, as a disguised spy under a feigned name, the most formal safe-conduct would have been "forfeited or rendered of no effect."

Arnold's pass was given to André to enable him to carry forth to the enemy intelligence that was to effect the ruin of the American cause. On its face the pass was a sham; for it was issued to André under the feigned name of Anderson, and falsely asserted that he was travelling on the public business: it was intended by Arnold, and was taken by André, as a means of deception, wherewith to maintain his assumed character, if stopped by the American guards. It purported no assurance of safety to him in his real character: it was perfectly understood, between the parties to it, to be collusive, and available only so long as the imposture was maintained; and André never pretended that he had placed any further or other reliance on it. A pass so given to a known enemy, was an overt act of Arnold's treason, and differs widely from one issued in the real or apparent course of duty, to an innocent party; with which the historian's argument confounds it. fallacy lies in ignoring the complicity of André, and in

^{&#}x27;Since Cobbett, Harrison, Breen, and other minute critics have shown, by their strictures upon the English classics, that exactness in the use of the language has not been attained by the greatest masters of it, writers of humbler pretensions will feel little shame for their occasional inadvertencies. But the deliberate use of a new word may require some vindication. "Complicity"—a word not recognized by the English lexicographers, nor included by Dr. Webster in his Dictionary—is, I believe, one of the latest Americanisms; and, unlike most of them, it is not the continuance in use nor the revival of a word obsolete in England. But the sense which it precisely expresses is conveyed by no other word: it

ascribing to Arnold's pass a binding effect upon the American Government, which never, by its own act or by delegation of authority to its agent, "plighted its faith" in aid of schemes for its own subversion.

The reasoning of the historian leads to the absurd con-

comes from a root that has furnished many derivatives, of which this is the fit complement: its sound commends it to the ear; these considerations warrant its adoption, and will no doubt obtain for it the general acceptance it deserves. "Complicité"—the being an accomplice—(Boyer's Dict. ed. 1699) is in the earliest French dictionaries; and it is singular that we have been so long without a word to answer to it in English, while the necessity to express the idea has been of so frequent recurrence, especially in judicial proceedings.

The introduction or the revival of words needed for the full expression of thought, should not be regarded with the same disfavour as the capricious substitution of new for old words, or the licentious perversion of the latter from their original meanings. Judicious neology is defended, with his usual ability, by Mr. De Quincy - one of the most accomplished scholars of the age - in his Essay on Language; he commends as necessary, though novel, the extended use of the, to us, familiar word "ignore;" and he uses "to notice," one of the elder Americanisms, that first shocked the ear of Franklin in 1785. (Works of B. Franklin, x. 413.) Mr. Harrison (History of the English Language, etc.) says: "From America we have adopted to progress, to effectuate." Indeed, the really valuable additions or restorations made by American writers to the common language, have met a very prompt and cordial reception in England. Even our frontier barbarisms are, with a too generous hospitality, welcomed in good company, from which they are excluded at home. For instance, Lord Campbell tells us, to go the whole hog is "an American phrase now naturalized in Westminster Hall"-(Life of Holt, C. J.); and in one of Mr. Charles Reade's entertaining, and no doubt accurate, delineations of English manners (Never too Late to Mend), he makes one of the characters - a gentleman of rank and education - describe his friend as a "gone coon." Lord John Russell and Mr. Moore lament "the tendency of the world now to Americanize in everything - in forms of government, literature, in the tone of society," etc. (Memoirs of Moore, vii. 223, 231, 258.) Thus may be frustrated, in a way that was not then thought of, a prediction uttered, some forty years ago, in the Quarterly Review, that there would grow up in America a dialect unintelligible to Englishmen.

clusion that, when it was known that Arnold had fled to the enemy, and that Anderson was an impostor, still, the paper concocted between them was just as valid as it seemed to be before the discovery, and to obstruct the free passage of the detected British emissary, was a breach of "plighted faith and public law;" and if, under these circumstances, Arnold's pass¹ was thus obligatory, so, it may be as well argued, was his bargain with Clinton; and, in pursuance of it, Washington ought to have delivered West Point into the hands of the enemy.

That the true distinction was nicely drawn and impartially observed by the Americans, appears from the trial of Smith. On the 30th of September, he was arraigned before a Court-Martial, on the charge of "aiding and assisting Benedict Arnold, late a Major-General in our service, in a combination with the enemy," etc.: he excepted to the jurisdiction of the military tribunal, and claimed a "trial by jury," under the laws and lately adopted Constitution of the State of New York. The exception was overruled, and a protracted investigation followed. Smith, in his defence, suggested some technical points upon the jurisdiction of Congress and the law of treason; but the only disputed question of fact was his knowledge of the designs of Arnold. Many witnesses were called on both sides. When one required by Smith excused himself from

B. ARNOLD, M. Genl.

(From the fac-simile in Sparks's Arnold.)

¹ HEAD QUARTERS, Robinson's House. Sept. 22, 1780.

Permit Mr. John Anderson to pass the guards to the White Plains, or below, if He chooses. He being on Public Buisness by my Direction.

attendance, on the ground of personal inconvenience, and ignorance of any facts relating to the case, he was peremptorily summoned to the spot, by an order from Washington. The "fury of my persecution" by Washington, who "with savage ferocity sought my life," is, however, the theme of Smith's complaint: other American officers, he says, openly and covertly sought his destruction, and offered a large bribe to the principal witness, to falsify his testimony to the prejudice of the accused. But the testimony gave him no cause for discontent. This witness was one of the boatmen, who proved threats used to him by Arnold; and probably thus gave an air of compulsion to the conduct of all the parties to the nocturnal expedition to the Vulture, who were amenable to Arnold's authority. participation of Smith, to the extent heretofore mentioned, was readily shown; but the Court did not infer from it a guilty knowledge, of which direct proof was not obtain-He was acquitted; although he had long been suspected of a predilection for the British interest; 2 and was now, as he tells us, "execrated as an accomplice of General Arnold's, and as much threatened as he himself could possibly be, if he were to fall into their hands." It would be difficult to point, in the State Trials of any country, to so signal an example of the calm and scrupulous administration of technical justice, at a period of great popular excitement, and of strong prepossession against the accused. Smith seems to have been quite astonished at the result. Of the Court, he says: "I must confess that, at the time, I considered them in no other light than a packed jury;

¹ Memoirs of General Lamb, 267.

² Thatcher's Journal, 259.

but no gentlemen could have acted with more candour and liberality, after the principal evidences were taken." He admits, also, "the candid and impartial manner in which the trial was conducted by the Judge Advocate." tribunal consisted of a colonel, a major, and twelve captains - to whom Smith had the objection that they were "principally collected from the Connecticut line of the Army, who, being General Arnold's countrymen, it was supposed would be more enraged against me, if it had been proved that I was in his confederacy." The general feeling towards Smith led to further proceedings against him by the civil authorities of New York; but his predilection for their forms of procedure was, it seems, abated; for, escaping from confinement, he fled to the British, by whom he was received with favour. In London, some twentyeight years afterwards, he published what he was pleased to call "An Authentic Narrative of the causes which led to the death of Maj. André, by Joshua Hett Smith: London, 1808." There is also an account of the trial of Smith in Mr. Sparks's Life of Arnold.

¹ For the statements which I have cited from this book in the text, the author's animosity to the Americans is an assurance that there is at least no colouring in their favour. Mr. Sparks, who has had access to all the original documents, says that the account which Smith gives of his trial was prepared "evidently with a copy before him of all the written testimony produced to the Court." Mr. Sparks adds: "Whether from a defect of memory in the author, or from whatever reason need not be inquired, but, as a work of history, this volume is not worthy of the least credit, except where the statements are confirmed by other authority." It may be superfluous, but I cannot omit to acknowledge the obligation that I, in common with all who write or read upon this subject, owe to what Lord Mahon justly styles "the careful and judicious" Life of Arnold by Mr. Sparks, and to the seventh volume of his collection of the writings of Washington.

The story of the flag of truce was, as I have mentioned, a mere fabrication, promptly disclaimed by André, and resting only upon the assertions of Smith and Arnold. On the credibility of Arnold I will not waste a word; of Smith's I will merely instance that, in the account which he published, after his emigration to England, he mentions a conversation which he says he overheard between Washington and André! You are aware that André was never in the presence of Washington.

Indeed, the plea of a flag of truce, if established, would not, in this case, have availed as a defence. Such flags imply a temporary cessation of hostilities, for purposes of open communication, through persons officially accredited. To suppose André to have come under cover of a flag to the outposts, and then to have privily introduced himself within them, by collusion with a traitor, for a hostile purpose, is to divest him of every claim to the protection which a flag of truce affords. Washington expresses this with precision in his letter to Sir Henry Clinton: "It is evident that Major André was employed in the execution of measures very foreign to the objects of a flag of truce, and such as they were never meant to authorize or countenance in the most distant degree; and this gentleman confessed with the greatest candour, in the course of his examination, 'that it was impossible for him to suppose he came on shore under the sanction of a flag."

¹ Mr. Macaulay says of the interview granted by James II. to Monmouth, "to see him and not to spare him, was an outrage on humanity and decency." This outrage the king resolved to commit. (Macaulay's Hist of England, i. 184.)

If we look to the expression of contemporary opinion upon the case of André, we will find, I think, an universal acquiescence of all impartial persons in the justice of his sentence according to the laws of war; accompanied by a regret as universal for the unhappy fate of one whose attractive qualities inspired the warmest interest. sympathy felt for him amongst the Americans - though entirely ignored by Lord Mahon - is as well known to us as any fact in the transaction. It is warmly expressed by Washington in a letter to Rochambeau: "Your Excellency will have heard of the execution of the British Adjutant The circumstances under which he was taken, justified it, and policy required a sacrifice; but as he was more unfortunate than criminal, and as there was much in his character to interest, while we yielded to the necessity of rigor, we could not but lament it;" and again in a letter to Colonel Laurens: "André has met his fate, and with that fortitude which was to be expected from an accomplished man and gallant officer." That Washington's disposition towards him had been made known to André, (probably by Hamilton) may be inferred from the confident tone of his letter upon that point: "If aught in my character impresses you with esteem towards me, if aught in my misfortunes marks me as the victim of policy, and not resentment," &c. (André to Washington, Oct. 1, 1780.) The Earl of Moira, who was then, as Lord Rawdon, serving in the British Army in America, says in a letter to General Lee: "It would be most unfair to doubt the dispositions of General Washington, or the irresistible pressure which

rendered them abortive."1 Hamilton's narrative exhibits the tenderest sensibility to André's misfortunes, but it admits: "never, perhaps, did any man suffer death with more justice, or deserve it less." The Count de Marbois says: "André heard his sentence with less emotion than the President of the Court exhibited in pronouncing it." (André entendit cette sentence avec moins d'émotion que n'en montra le président lorsqu'il la prononça.2) "André, justly condemned, inspired, nevertheless, a general interest." (André, justement condamné, inspiroit cependant un intérêt général.3)

The opinion of Rochambeau is preserved to us in his memoirs: "All the world knows of the trial and tragic end of young André, who merited a happier fate, and who was pitied even by his judges, whom the severity of the laws, and the necessity of an example, forced to condemn him." (Tout le monde sait le procès et la fin tragique du jeune André, qui méritoit un sort plus heureux, et qui fut

² Complet d'Arnold, 145.

⁽Campaign of 1781, by H. Lee, appendix.) John Adams, at Amsterdam, in January, 1781, in addressing to the Baron Van der Capellen an elaborate review of "the several causes you have enumerated (which) co-operate to lessen the credit of the United States," discusses, in its turn, the defection of Arnold, and urges that, "when we consider the firmness and dignity with which André was punished, we must conclude that the American Army and people stand strong; as strong against the arts and bribes, as the arms and valor of their enemy." (Adams' Works, vii. 337.) The French Admiral, De Ternay, wrote to his Government: "I persist in the belief that the Revolution is not so far advanced as is generally imagined in Europe. The conspiracy lately formed by an American General, to deliver into the hands of the English the post which was confided to him, is an evidence that there are traitors. A single individual of this description might decide the fortunes of a campaign, and the fate of the country." (Writings of Washington, vii. 241.) ³ Ibid, 149.

plaint même par ses juges, que la sévérité des lois et la nécessité de faire un exemple forcèrent à le condamner.1)

The Italian historian, Botta, says: "Thus was brought to a just, but ignominious death, an estimable young man, in every way deserving of a better destiny. The regret for him was great amongst enemies, as well as friends." (Cosi fu tratto a giusta, ma indegna morte, un dabben giovine, meritevole in tutto di miglior destino. La mestizia fu grande, tra gli amici, e tra inemici.²)

Lafayette wrote to his wife: "The Adjutant-General of the English army has been arrested in disguise and under an assumed name. He was an interesting man, the confidant and the friend of Clinton: he conducted himself in such a frank, noble, and delicate manner, that I could not help regretting him infinitely." (L'adjutant-général de l'armée anglaise a été arrêtée, sous un habit et un nom déguisés. C'était un homme intéressant, le confident et l'ami du Général Clinton; il s'est conduit d'une manière si franche, si noble, si délicate, que je n'ai pu m'empêcher de le regretter infiniment.")

From other sources I must restrict myself to the following selections, exhibiting the general feeling on the subject. A contemporaneous account, published at Boston, in the "Continental Journal and Weekly Advertiser," of October 26, 1780, being a letter from the camp, dated the 2d October, the day of the execution, says: "Perhaps no person on like occasion ever suffered the ignominious death that was more regretted by officers and soldiers in

¹ Mémoirés, i. 254.

² Guerra Americana Libro, xii. 237.

³ Mémoirés, i. 376.

every rank in our army, nor did I ever see any person meet his fate with more fortitude and equal conduct."

Another account, published at the same period, says: "His deportment, while a prisoner, was candid and dignified. He requested no favour but to die the death of a soldier, and not on a gibbet. Rigorous policy forbid granting a favour which at first flash seems immaterial. Our Army sympathize in the misfortunes of this Chesterfield of the day. But had he possessed a portion of all the kings on earth, justice and policy would have dictated his death." In a ballad of the Revolution, "which was sung very generally at home, and in the camp during the last years of the Revolution," these lines occur:

"Base Arnold's head by luck was saved,
Poor André was gibbeted:
Arnold's to blame for André's fame,
And André's to be pitied."

How enduring this feeling was, appeared on the exhumation of André's body, in 1821; of which Mr. Buchanan, the British Consul at New York, relates the following incidents: "I should be ungrateful did I omit doing justice to the feelings of an aged widow, who kept the turnpike-gate on the way to New York, who, upon hearing the object of my visit, declared that she felt so much gratified that the remains were to be removed from the field where they had so long lain neglected, that all carriages should pass free of toll on the occasion. Whether she had this power, I know not; but it marks strongly

¹ Collections of the Mass. Hist. Society, ii. 195.

² Moore's Ballads of the Revolution.

The naïve expression of the Consul's doubt of the old woman's power, may excuse the suggestion that, in the rural districts, in many parts of the

the sentiments of the American people at large, as to a transaction which a greater part of the British public have forgotten, at least those that are in the humble walks of life that this gate-keeper was." Further, the Consul says: "Ladies sent me flowers, others various emblematic devices, garlands, etc., to decorate the remains of the 'lamented and beloved André."

Indeed, the exhumation seems to have been prompted by American feeling on the subject. Mr. Buchanan says. "I was hourly annoyed by contrasts drawn from the conduct of the State of New York, as to the remains of General Montgomery; while those of the British soldier who was sacrificed in the service of his country, in the flower of his youth (by a doom which, in the judgment of many, might have been commuted), were abandoned and neglected." Thus urged, the Consul addressed his Government on the subject, and obtained the requisite sanction for his proceedings. They excited much more interest here than in England. I find a very brief notice

United States, free passage is allowed upon the roads to funerals. In the exercise of a liberal discretion, this judicious old woman probably concluded that the dis-interment of André came within the spirit if not the letter of the rule. In this she reasoned better than the British Consul, when, finding no metal buttons in the coffin, he denounced as "an outrage" to be "blazoned to the world," the stripping of the body at the time of the burial. This brought into the field of controversy the venerable Dr. Thatcher, who had been present at André's execution; and he made clear, what was before sufficiently probable, that the servant of André had been allowed to take away his uniform and other effects. Mr. Buchanan accepted the correction, and declared that it should be inserted in the United Service Journal, in which his own statement had appeared. I do not find, however, that this was done. Dr. Thatcher's statement, and correspondence with the Consul, were published in the New England Magazine, vi. May, 1834.

of them in the Annual Register (1821); and twelve years elapsed before the Consul laid any detailed statement of them before the British public.¹

I could cite many more attestations of the American feeling, which was a very remarkable incident of the event, and pleasingly illustrative of the character of André: as such, it was thought worthy of commemoration upon the monument erected, by order of the King, to the memory of André, who, it is there inscribed, "was lamented even by his foes." But to this sympathy, that ministered its consolations to him in his captivity and at his parting hour, not the slightest allusion is made in Lord Mahon's history, which conveys the false impression that the treatment of the prisoner was marked by harshness and resentment.

For Washington's sentiments, see the authorities in the text; the army shared, but did not control, the opinion of its officers: this—to be brief—may serve as an informal notice of the first (compound) assertion. I have obtained a copy of the book quoted, published in London in 1823. It is by a traveller in this country, W. Faux, An English Farmer, says the title-

¹ United Service Journal, Nov. 1833: London.

² See Lord Mahon's account passim; but it is disfigured by one statement which deserves to be particularized. He says: "It has been asserted that Washington signed the order for André's death with great reluctance, but the army was dissatisfied and demanded the sacrifice. This assertion, however, rests on no sufficient evidence.*" His note adds: "It was so stated to Mr. W. Faux, on board a steamboat in the Delaware, by 'two old German gentlemen, heroes of the Revolution,' who, as they said, had been in camp with Major André. (April 12, 1820: Memorable Days in America, 402.) In their opinion, the example of his death was 'necessary and salutary.' But the names of these two gentlemen are not given; and there is another part of their statement which I should be loth to admit, without the strongest corroborative testimony, that an American General (who is named) could insult the defenceless André on his way to execution, telling him: 'You die for your cowardice and like a coward!' This must surely be quite erroneous." (Mahon, vii. 71.)

The assertion is even made that "he was not allowed the presence of any advocate, any witness, or any friend"—an expression implying, or rather directly affirming, the denial of requests for such attendance; the fact being that no requests of that nature were preferred by André, save for the admission to him of his servant, and the transmission of a letter to Clinton; which were immediately granted. Of the witnesses inclined to extenuate the offence, Arnold could not have attended; but his statement in exculpation of André (in the form of a letter to

page; who writes, the preface says, "to destroy the illusions of transatlantic speculation, and to diffuse home-bred satisfaction among his countrymen." The name of the American General, and two egregious blunders, suppressed by Lord Mahon, would have given to the statement only a more patent absurdity. Finally, the text is misquoted: in the original the anonymous heroes are represented to have said "that they knew," not "that they had been in camp with," Major André: the change in the phraseology was no doubt accidental, but it is not immaterial, for it suggests a presence on the spot, which is not claimed in the original.

It is to be noted, that the story is introduced by Lord Mahon ostensibly as the evidence in favour of Washington; and, as such, it is gravely "weighed and found wanting." But as, self-evidently, and upon Lord Mahon's own showing, it is totally worthless for that purpose; and as no advocate of Washington ever would have thought of adducing such a tale, on such authority, to prove his feelings or any other fact; it is difficult to resist the suspicion that the author has embalmed it in his history because he "would not willingly let die" that which, in fact or fiction, affords almost the only countenance to his insinuations upon the personal treatment of André by the Americans. For this account, "which he would be loth to admit without the strongest corroborative testimony," is not only without any, but - and this the historian does not tell his readers - it is in direct contradiction with the amplest testimony upon the subject; yet it is not, therefore, left in oblivion, but is thus formally paraded, without emphatic denial; and is the only mention of the personal deportment of the American officers towards André which is to be found in Lord Mahon's narrative, save the general imputation of harshness to which this figment lends a colourable support. For an account of the execution, see post, note to page 396.

Clinton), with letters from Generals Clinton and Robinson, was laid before the Board: to Smith, who was a party implicated, André, from a generous motive, made no reference. His defence he conducted with a manly and not impolitic frankness, which conciliated the sympathy wherein lay his best hope of deliverance. The material facts were incontestable; and he saw the futility of an attempt to controvert them. "Before the examination commenced, Gen. Greene told him that various questions would be asked, but the Board desired him to feel at perfect liberty to answer them or not, as he might choose, and to take his own time for recollection, and for weighing what he In addition to his verbal declarations, the prisoner submitted a written statement.² In the subsequent conference with General Robinson, for the discussion of the case of André, his voluntary judicial admissions were referred to by General Greene, as competent proof; and they are so regarded in every system of evidence.3 Thus, when false assertions were made about a flag of truce on

¹ Sparks's Life of Arnold, ch. xiv. 261.

² Writings of Washington, vii. 535.

The general rule is that no man can be a witness for himself, but he is the best witness that can be against himself. (Ch. Baron Gilbert, on Evidence, 119.) It is to be observed, however, that André's declaration about the alleged flag of truce (alleged in Arnold's statement forwarded by Clinton), was not the voluntary confession of a fact which it was incumbent upon the prosecution to establish, but a declaration, by the accused, that a supposed defence, suggested by his friends, the burden of proving which lay upon him, did not exist. This gave a peculiar appropriateness to Greene's answer to the British officers, when they reiterated the futile plea which André himself had disclaimed. No doubt, André perceived that the abuse of a flag, in such a transaction, would have been only an aggravation of his offence, and an additional stigma upon his character. (See ante, page 368.)

the authority of Arnold, Greene pertinently answered that he "preferred to believe André."

Lord Mahon's comment on this natural incident, betrays the somewhat too captious spirit in which he is disposed to look upon every act of the adherents to the American cause, and is in striking contrast with his indulgence to every act of Arnold. He says: "How far it might be either just or humane (for of generosity in this case we need, of course, say nothing) to turn against André an avowal made with not a friend or counsel beside him, and in the presence of only his bitterest foes, was not any further in that conference discussed." These aspersions upon the American officers might lead us to suppose that the historian's consideration had not dwelt upon the letter of André, which ends thus: "I receive the greatest attention from his Excellency, General Washington, and from every person under whose charge I happen to be placed."1 Hamilton, too, relates that "the members were not more impressed with the candour and firmness, mixed with a becoming sensibility which he displayed, than he was penetrated with their liberality and politeness. He acknowledged the generosity of the behaviour towards him in every respect, but particularly in this, in the strongest terms of manly gratitude. In conversation with a gentleman who visited him after his trial, he said he flattered himself he had never been illiberal; but if there were any remains of prejudice in his mind, his present experience must obliterate them." Mr. Bronson says: "He expressed

¹ André to Clinton; Writings of Washington, vol. vii 531: in Lord Mahon's appendix (vii. ix.) there is an extract from this letter, not reaching to the final part, quoted above.

a deep sense of the obligations he was under for the delicate and courteous treatment he had received from the officers of the regiment with whom he had become acquainted, and declared that, whatever might be his future destiny, he could never meet them as enemies." Such were the prisoner's own acknowledgments; and thus to all impugners of the justice, humanity, or generosity of the Americans in this transaction, we are warranted to give Greene's answer: "We prefer to believe André."

The extreme embarrassment of the English officers in their discussions of the subject, is very manifest. Sparks has inferred from the despatches of Sir Henry Clinton, that his opinion was substantially the same as General Washington's. Lord Mahon admits what he terms "the reserve" of Clinton in his published despatches, but proceeds to quote some observations from manuscript papers of that officer, which are still extant in England. exhibit the feelings of a man irritated at the fate of his friend, and the failure of a cherished project, but they present no new views, and contain some important admissions. The British commander carefully disclaims any sanction, on his part, of those acts of André which led to his condemnation. Clinton writes: "I had given it in charge to him not to change his dress, on any account, or possess himself of writings, by which the nature of his embassy might be traced. . . . But, unhappily, none of these precautions were observed." The inference is clear of Clinton's pre-existing opinion of the effect of the acts which he prohibited, and of his apprehension that they would

² Sparks's Arnold, ch. xiv. 254.

be hazarded by André; and I find in the statement strong confirmation of the view already presented, that André, with a full knowledge of the peril, voluntarily incurred it, rather than allow the plot to fail for want of the information and assurance that were thought to be indispensable for carrying it into execution.

The Earl of Moira thus alludes to the case in his letter to General Henry Lee: "It would be most unfair to doubt the dispositions of Washington, or the irresistible pressure which rendered them abortive. Yet thus far I must remark—had there been so much solicitude to save that unfortunate officer as you represent, this ostensible plea might have been advanced for him, that his entering in disguise within your fortress was by the direction and with the invitation of your officer commanding there."

I have already submitted to you some observations which apply to what is here advanced as "an ostensible plea." My view is, that if a spy enter a fortress by collusion with one within, this, probably not uncommon, incident affords no mitigation; for no officer, high or low, has authority to give clandestine admission within his post to an enemy with a hostile purpose, and the party so entering must know, from the very nature of the act, that it is unwarranted. Stedman, who wrote a history of the American War, was an officer in it, under Clinton; and in his pages we may expect to find as confident a view of the case as was then current in the British army. On the point of law he diffidently says: "If intention is necessary to constitute guilt, and if guilt alone merits punishment, some doubt may be entertained with respect to the sentence of

the board of officers. But even if the sentence pronounced against him should be found agreeable to the letter of the law of nations, so unsuitable is the exercise of extreme justice in our imperfect state, that we turn with disgust from those transactions in which the finer feelings of humanity have been sacrificed to its rigour."

He then charges Washington with "cold insensibility, that could even withhold from André the poor consolation of dying like a soldier." To this charge, it may be replied, that the mode of execution was a necessary incident to his condemnation as a spy, and it justly affords no separate ground of complaint. It was a logical necessity that could not be avoided. Of this, Washington was, after much deliberation, convinced. Lord Mahon mentions the application of André, and adds: "Washington, however, so farfrom relenting, vouchsafed him no reply, and the prisoner was left to the last uncertain of his doom." It is scarcely ingenuous thus to impute as an aggravation what the best contemporary authority declares was intended in kindness. Alexander Hamilton says: "It was thought this indulgence, being incompatible with the customs of war, could not be granted, and it was, therefore, determined to evade an answer, to spare him the sensations which a certain knowledge of the intended mode would inflict." Dr. Thatcher, a Surgeon in the Army of the Revolution, writing at the time and scene of the event, says: "His Excellency, from a desire to spare the feelings of the unfortunate man, declined making a reply to the letter." In the account, to which I have already referred, in the London Annual

¹ Thatcher's Military Journal, p. 270.

Register, the details of which seem to have been drawn from official sources, it is stated: "As it was not deemed fitting to grant the request, it was thought humane to avoid giving a direct answer." The rhetorical expression, "left to the last uncertain of his doom," is also inexact, because André was probably not aware of any delay, as his formal application to Washington was not made till the day previous to the execution. In fact, he did not suffer from uncertainty, for he appears to have assumed that his request was granted. (See post, note to page 396.)

Nor is Washington correctly described as "far from relenting" in this part of the transaction; on the contrary, his inclination was to grant the request of André, till convinced that it was inadmissible. For Greene insisted, that if the case could be discriminated from that of a spy, the punishment should be remitted entirely,—but if no distinction existed, none should be apparently conceded, by a departure from the usual forms; softer influences swayed the breast of Hamilton: "To justify myself to your sentiments," he writes to Miss Schuyler, (soon to be his wife,) "I must inform you that I urged a compliance with André's request;"—but duty and reason determined the final judgment of Washington.

Lord Mahon assumes to express more than his individual opinion. "Unless," he says, "I greatly deceive myself, the intelligent classes of his (Washington's) countrymen will, ere long, join ours in condemning the death-warrant of André, certainly by far the greatest, and, perhaps, the only blot on his most noble career." This blot, this stigma,

¹ Caldwell's Life of Greene, 92; where this irresistible argument is stated, at length.

be it remembered, is the guilt of "hasting to shed innocent blood;" and in imputing it to Washington, the concurrence of the intelligent classes of his countrymen is thus anticipated. So total a misapprehension of the national sentiment was scarcely to be looked for, even from a foreign hand. For, if with certainty anything can be affirmed of men's opinions, surely it may be confidently said, that throughout this broad land, no class of men—of our countrymen, perhaps, no man—does now, nor, in all human probability, ever hereafter will, ratify the invidious and unjust aspersion.¹

Indeed, few readers in this country would learn, without surprise, that, in the judgment of Lord Mahon, classes in England, deemed intelligent, hold—or may be expected to hold—this opinion. Never before, has it been sanctioned

¹ The text of this paper was read before the Historical Society, and reported in some of the public prints, while the fourth volume of the Life of Washington, by Mr. Irving, was yet in the hands of the publishers. writer has had the gratification to find an accordance between that distinguished author's views of the case of André and those which are taken in this argument. Mr. Irving eloquently vindicates "the fair name of Washington from that 'blot' which some have attempted to cast upon it." In the first preparation of this paper, the writer did not attempt to extend his examination of modern periodical literature to a later period than that to which Poole's Index of Periodical Literature affords its aid - 1853. An article in the Gentleman's Magazine for Jan. 1855, and another in the North American Review of the same date, therefore, escaped his notice. In both, the opinions of Lord Mahon are contested at some length, and with much ability. The argument in the case of André is greatly strengthened by the fact, that impartial minds, considering it independently, arrive at the same conclusion, viz: the conclusion at which the American officers arrived, in their deliberations upon it. The above, and many other authorities upon the subject, are mentioned in "the Critical Dictionary of English Literature" (now partly in print), by S. Austin Allibone, whose industry and ability have given to his work an unrivalled completeness.

by any English writer of distinction—there is no written precedent to be found for the tone adopted by the historian, save amongst the drudges (not harmless ') of literature, the hasty and ignorant manufacturers of historical compends, whose names, if known, carry no authority. Notwithstanding Lord Mahon's opinion, we must be permitted still to hope that the exasperation which civil strife engendered, has not so long survived the Revolutionary contest; and a very brief examination will show that, from the "intelligent classes of England," for whom the historian assumes to speak, he must exclude many whom the world would deem well entitled to a place in the category. For instance, a poetic denunciation was launched against Washington by an English writer of some note, Miss Anna Seward, in a monody written soon after the death of André, of whom

¹ Lexicographer — a harmless drudge. (Johnson's Dictionary.)

² I have met with two allusions that may be cited, as betraying more than common ignorance; the one, of the facts, and the other, of the principles involved in the case of André. In Mr. Chalmers's Biographical Dictionary, article "Washington," the following is to be found: "Granting, it has been said, that duty required him to execute as a spy the accomplished Major André, true magnanimity would have prevented him from insultingly erecting, in the view of that unfortunate officer, the gallows on which he was to be hung, several days before his execution." Mr. Merivale, in a Life of Sir Matthew Hale, incidentally compares the burning of witches by the sentence of that Judge, to the execution of André by the order of Washington! There is also Clinton's account in Lord Mahon's volume, in which it is said of Washington: "Nor could be have been insensible, had he the smallest spark of honour in his own breast, &c.;" and there is an indulgence in a somewhat similar strain, in the Journal of Colonel Simcoe. But these are exceptions, and there is no pretension made to impartiality; yet it is with them rather than with the general tone of later English opinion, that Lord Mahon's views seem to accord. We may, I trust, believe that the British nation will not, at this day, recognise as "intelligent" the "class" that joins in an attempt to sully the fame of Washington.

the lady was a correspondent and personal friend. With some of the fury, but none of the prophetic skill of the Pythoness, she thus ventured to predict for the British arms a triumph which should be graced with the execution of Washington!

Remorseless Washington! the day shall come Of deep repentance for this barb'rous doom; When injured André's memory shall inspire A kindling army with resistless fire; Each falchion sharpen that the Britons wield, And lead their fiercest lion to the field! Then, when each hope of thine shall set in night, When dubious dread and unavailing flight Impel your host, thy guilt-upbraided soul Shall wish untouch'd the sacred life you stole! And when thy heart appall'd and vanquished pride Shall vainly ask the mercy they denied, With horror shalt thou meet the fate thou gave, Nor Pity gild the darkness of thy grave; For Infamy, with livid hand shall shed Eternal mildew on thy ruthless head.

But the anger of the poetess, though heightened by the sensibilities of personal friendship, was not deaf to reason; and in her correspondence it is mentioned that an American officer—at the request, she says, of Washington—had furnished to her such explanations of the case of André, as "filled her with contrition for the rash injustice of her censure." And the modern editor of her poems, no less a person than Walter Scott, adds to the monody this note:

"The concurrent testimony even of the British officers, during the years which have elapsed since this poem was first published, acquits General Washington of that imputed cruelty which had so forcibly impressed the grieved heart of the author concerning the sacrifice of Major André's life. They acknowledge there was but one way to have saved the gallant sufferer, viz. by General Arnold's having been given up in exchange (who had fled to the English army). It was believed by the American officers that General Arnold had so taken measures, that if the projected interview with André had been discovered while they were together, it might have been in his power to have sacrificed André to his own safety. This report was urged to the prisoner by an American officer, commissioned by General Washington, who wished his preservation, to induce him to write to General Clinton, requesting him to propose the exchange; but Major André would not listen a moment to the suggestion."

What is here mentioned by Scott, of the belief of the Americans of double-dealing on the part of Arnold towards André, is also stated by Hamilton; and some expressions used in André's first letter to Washington, may have lent it an apparent confirmation. "This surmise of double treachery made them imagine Clinton would be induced to give up Arnold for André," and prompted the informal suggestion made to the British officers, for an exchange of the two parties; of which Lord Mahon, apparently ignorant of this motive to the overture, says: "It is astonishing (but, indeed, what part of Washington's conduct in

[&]quot;"Against my stipulation, my intention, and without my knowledge beforehand, etc. . . . thus, as I have the honour to relate, was I betrayed," etc. (André to Washington: Washington's Writings, vii. 531.)

² Hamilton to Laurens: Life of Hamilton, i. 273.

this transaction may not excite surprise?) how such a thought should have entered such a mind."

The Rev. W. Winterbotham's Geographical, Commercial, and Philosophical View of the Situation of the United States, published in London, in 1794, mentions André's death "as regretted even by his enemies; and the severity of the determination concerning him was much exclaimed against in England. It was, however, generally acknowledged by impartial persons, that there was nothing in the execution of this unfortunate gentleman but what was perfectly consonant to the rules of war."

The opinion of Samuel Romilly was a proof of his generous and independent spirit, and a presage of his fame as a jurist. He wrote to a friend: "What do you think of Arnold's conduct? You may well suppose he does not want advocates here. I cannot join with them. The arguments used by Clinton and Arnold, in their letters to Washington, to prove that André could not be considered a spy, are, first, that he had with him, when he was taken, a protection of Arnold's, who was at that time acting under a commission of the Congress, and, therefore, competent to give protections. Certainly, he was to all strangers to his negotiations with Clinton, but not to André, who knew him to be at that time a traitor to the Congress; nay, more, whose protection was granted for no other purpose but to promote and give effect to his treachery. In the second place, they say that at the time he was taken he was upon neutral ground; but then they do not deny that he had been within the American lines in disguise. Panegyrics on the gallant André are

unbounded; they call him the English Mutius, and talk of erecting monuments to his memory. Certainly, no man in his situation could have acted with more determined courage; but his situation was by no means such as to admit of these exaggerated praises." 1

Walpole, that diligent chronicler of the social opinion of his times, speaks briefly of "Arnold's treachery, which has cost the life of a much better man, Major André; precipitated, no doubt, by Lord Cornwallis's cruelty." The English editor of Walpole's Letters, adds the following note at the name of André:

"This unfortunate gentleman, having been employed by Sir Henry Clinton to carry on a negotiation with the noted American general, Arnold, about to betray the trust reposed in him by his countrymen, was, in performance of his hazardous duty, taken prisoner; and, owing to his disguise and the nature of his mission, was tried by a court-martial and executed as a spy. A monument, by order of the King, was erected to his memory in Westminster Abbey."

It may be observed that the figure of Washington is prominent among the bas-reliefs upon this monument; and the guarded language of the inscription only records of its subject that: "Employed in an important and hazardous enterprise, he fell a sacrifice to his zeal for his King and country; universally beloved and esteemed by the army in which he served, and lamented even by his foes." ²

¹ Life of Sir Samuel Romilly, i. 104: Letter to Roget, Dec. 12, 1780.

² In his mention of the monument, Lord Mahon does not notice the line "lamented even by his foes," but the preceding line he prints in capitals;

Charles Lamb, in an Essay on the Tombs in Westminster Abbey, with felicitous accuracy, designates the monument as that of "the amiable spy, Major André."

Colonel Mackinnon, of the British army, in his account of the services of the Coldstream Guards, says: "The American General Arnold, who commanded a large force at West Point, on the North River, betrayed the confidence reposed in him by his party. The secret correspondence between Arnold and the British commander was carried on through the medium of Major André, an English officer, who was seized in disguise, when papers were found on his person which clearly proved every particular of the

thus, "WHO FELL A SACRIFICE TO HIS ZEAL FOR HIS KING AND COUNTRY." The sculptor, in the expression of feeling, was faithful to the historic fact. The attitudes of the American officers, around their Chief, express intercession and grief: one of them, seated on the ground, seems to be overcome by emotion; at the same moment, the bearer of a flag of truce presents a communication from Clinton. There has been some dissent from the posthumous honours to André. "The monument has been the mark of much and very pertinacious ill-usage" (Knight's London, iv. 132)-"the wanton mischief of some school-boy, fired, perhaps, with raw notions of transatlantic freedom," says Charles Lamb. That the remains of one who was executed as a spy should be removed to Westminster Abbey, while General Fraser's were left in an unmarked grave, excited the surprise of the Duke of Saxe-Weimar — the expression of which is, however, somewhat too harshly rendered in the English version of his book, through a neglect to translate the epithet of commiseration, "der unglück liche," applied to Major André. (Travels in America, 188: Weimar, 1828.) The following has been published in our newspapers as an extract from a notice of Irving's Life of Washington, in the London Daily News: "The social qualities and the letters of André, although they are always brought forward in his favour, do not extenuate his crime, as they show that, whatever his moral principles may have been, he had the education of an English gentleman. If anything, his memory has been treated with too great elemency. If monuments are to be erected, in Westminster Abbey, to men of such lax morality, it is time for honesty to hide its head."

transaction. He was tried by a Board of general officers as a spy, and condemned to be hanged. The American General has been censured for directing this ignominious sentence to be carried into execution; but doubtless Major André was well aware, when he undertook the negotiation, of the fate that awaited should he fall into the hands of the enemy. The laws of war award to spies the punishment of death. It would be difficult to assign a reason why Major André should have been exempted from that fate to which all others are doomed under similar circumstances; although the amiable qualities of the man rendered the individual case a subject of peculiar commiseration. The members of the Court are said to have wept when they passed the sentence."

¹ Origin and Services of the Coldstream Guards, ii. 9.

In the London Critic and Literary Journal (London, Aug. 15, 1857), in a notice of this paper, as published in the Historical Magazine of Boston, it is said: "The Historical Society (of Pennsylvania), at Philadelphia, has lately been occupied by the consideration of a question of some interest to us, as Englishmen - namely, the execution of Major André as a spy during the great American War of Independence. In the last volume of his 'History of England,' Lord Mahon brought against the memory of Washington a very grave charge, in connection with this melancholy event, terming it 'the greatest blot' upon the career of Washington. We are not, of course, surprised that these results are altogether favourable to the American hero; but we must in justice admit, that we think that the evidence produced by Major Biddle would be sufficient to bring an English jury to the same way of thinking. There can be no doubt that André, 'the amiable spy,' as Charles Lamb called him, was engaged, at the time of his capture, in a manner which subjected him to death upon the gallows, by the international rules of warfare as practised between all civilized nations. His enterprise, if successful, would have been fatal to the American cause; and he attempted to accomplish it by fraud and treachery. He had been in communication with the arch-traitor Arnold, and bore upon his disguised person the documents with which that Judas

In further quest of the opinion of the intelligent classes of England, I have examined many volumes of travellers in this country, few of whom have failed to visit the picturesque region of the Hudson, and to indulge in the reminiscences inspired by the scene of André's adventure. In no single instance do I find the expression of natural pity for his fate mingled with reproach to those by whom it was decided. Even Captain Marryatt misses the opportunity for detraction, and only mentions "the spot where poor Major André was hung up as a spy." Other travellers have used the opportunities for obtaining just information which a sojourn in this country affords. For instance: John Howard Hinton's Historical and Topographical His-

had supplied him, and which would have sealed the fate of the Americans. Finally, he was caught within the American lines, an enemy in disguise, spying into their weakness, and endeavouring to compass their destruction. These facts being proved, we do not see how any one can doubt for a moment, not only that he had justly incurred the penalty of being a spy, but that, under the circumstances, it was impossible for Washington to overlook the crime. At the same time, however, we cannot forbear, nor could even the Americans of the time forbear, a sigh of pity at the fate of poor André. He was young, brave, and rash. Regarding the Americans as only rebels, he seems to have cheated himself into the belief that they were not entitled to be treated like ordinary enemies; consequently, he believed that any stratagem was fair that could bring about their destruction. His loyalty to his King was undoubted; and that he was brave to chivalry is clear from the manner in which he risked his life upon so perilous an enterprise. Moreover, we have always considered that his life was sacrificed to save that of a knave. If every one had their due, the traitor Arnold would have been given up, and then the Americans would have let André go free. As it was, however, Washington had no alternative. The prisoner was regularly tried before a proper tribunal, and received the fate which he had incurred. Lord Mahon owes to the memory of the great American patriot the reparation of an apology, or else he owes to his fame, as an historian, a refutation of the facts upon which the Americans rely."

tory of the United States, in its account of Major André, says:

"The general officers who reported his case, lamented the necessity they were under to advise that as a spy he should be hung; and the heart of General Washington was wrung with anguish when he signed his death-warrant. But the fatal wound that would have been inflicted on the country, had Arnold's treason succeeded, made the sacrifice necessary for the public safety."

In the travels of E. T. Coke, an officer of the 45th regiment of the British army, the facts are detailed in an appendix, and in the text the author expresses this opinion: "I believe that the Americans, generally, sympathized in his fate; and that great efforts were made by Washington to capture Arnold, and thus save André. Though it must be allowed that he suffered according to the rules of civilized warfare, yet, still, I am one of those who think, considering all the circumstances of the case, that André might have been well spared; and such an act of mercy would have added another ray to the lustre of Washington's name."

Whether, as the writer last quoted believes, the American authorities could have remitted the sentence justly pronounced upon André according to the rules of civilized warfare, and, by a pardon, have exonerated him from the legitimate consequences of his acts, is another question, which I do not purpose, at length, to discuss.

This much may be briefly said—no prejudice or ill-will against the individual biassed the judgment of those who reluctantly left him to the rigour of the law. The abso-

lute necessity for a stern example was the universal and well-founded conviction of the American mind at that period. The necessity was not mitigated by the earnest but ill-judged efforts of Sir Henry Clinton, whose transmission of insolent threats from the detested Arnold 1 was, of all acts conceivable, the one that would most surely render clemency impossible; for the occasion demanded from the Americans a display of firmness; and, in circumstances less critical, it was held by a British commander,

¹ It would be difficult to exaggerate the abhorrence of the Americans for "the traitor Arnold." Varick, his aid-de-camp, from rage and mortification, was for a time "disordered in his intellects." Oswald had been a close friend of Arnold's; for, in several desperate actions, he had fought side by side with him, and passed him once, as he led on the forlorn hope at Quebec, when Arnold was shot down. When Oswald was without a commission, he took the post of secretary to Arnold, and held that to go into battle with him was a part of his function. We can see that the old soldier's "heart-strings" were not unwrung as he "whistled off" his recreant comrade and commander. He writes to Lamb: "Arnold's treachery was the principal subject of our two last letters. It will take up a small portion of this also, and then let his name sink as low in infamy as it was once high in our esteem. He has convinced the world that he is as base a prostitute as this or any other country ever nurtured to maturity; and, as a punishment for the enormity of his crimes, the mark of Cain is branded on him in the most indelible characters - a mark by which 'every one he meeteth shall know him and slay him." The martial qualities of Arnold had won the regard of many gallant mcn. Lamb, an old soldier of the Canada campaign, was cut to the heart by the defection of his friend. Arnold sent him a message of kindly remembrance. him," Lamb said, sternly, to the messenger, "that the acquaintance between us is forgotten; and that if he were hanged to-morrow, I would go bare-foot to the execution." At the mess-table he joined in the toast, "confusion to the traitor;" but when an officer, in the exaggeration of passion, denied Arnold's courage, and called it "Dutch courage"-the effect of liquor, Lamb could not stand that, but broke out fiercely: "Sir, let me tell you that, drunk or sober, you will never be fit to compare with him, in any military capacity." (Memoirs of Gen Lamb, 262.)

Lord Rawdon (in the case of Hayne), that "an interposition, in irritating terms," on behalf of the prisoner, must "infallibly preclude" the exercise of "lenity." If we endeavour to enter into the spirit of that age—and so only can we do justice to the men who acted in it—we will find, I think, that upon no considerations that were then admissible could the fate of André have been averted.

But my object, in the remarks with which I have too long detained you to-night, has been only to vindicate the sentence of the unfortunate André as consonant with the laws of war. Those laws are in their nature harsh

¹ Earl of Moira to Genl. Lee: "The Campaign of 1781," appendix.

Arnold wrote: "If, after this just and candid representation of Major André's case, the Board of general officers adhere to their former opinion, I shall suppose it dictated by passion and resentment; and if that gentleman should suffer the severity of their sentence, I shall think myself bound by every tie of duty and honour to retaliate on such unhappy persons of your army as may fall within my power, that the respect due to flags and to the law of nations may be better understood and observed. I have further to observe that forty of the principal inhabitants of South Carolina have justly forfeited their lives, which have hitherto been spared by the clemency of his Excellency, Sir Henry Clinton, who cannot in justice extend his mercy to them any longer, if Major André suffers; which in all probability will open a scene of blood at which humanity will revolt. But if this warning should be disregarded, and he suffer, I call Heaven and Earth to witness that your Excellency will be justly answerable for the torrent of blood that may be spilt in consequence." This letter was formally transmitted, by the hands of Lieut.-General Robinson, when he was sent by Clinton to "declare his sentiments and resolutions," at the conference upon the case of André. Threats that implied the disposal of the whole British power, could emanate only from him who wielded it: such a communication, by the hands of his commissioner, was the word and act of Sir Henry Clinton, not of the powerless renegade whose name was become the synonyme of infamy. Upon what principle of taste or policy it was here obtruded, it is hard to imagine. Clinton, perhaps, was ashamed to utter in his own name the threats he never meant to execute; for it is significant of his real opinion of the case of André, that retaliation was never attempted, or spoken of, after the execution.

and arbitrary, in their administration prompt and severe, to meet the exigencies of the exceptional condition that calls them into action. It is under these laws — under no higher code — that the issue is made by the British historian; for he needs their utmost license to justify the deceits and stratagems, the traffic with a traitor, the purchased opportunity to surprise a betrayed garrison, which are the acts of war for which he must claim allowance to the partizans of the British cause. "These means," says Vattel, "are not contrary to the external law of nations, nor can the enemy complain of them as odious proceedings; accordingly, they are practised in all wars. But are they just and compatible with the laws of a pure conscience? Certainly No. And of this the generals themselves are sensible, as they are never heard to boast of having practised them. Seducing a subject to betray his country, suborning a traitor to set fire to a magazine, practising on the fidelity of a governor, enticing him, persuading him to deliver up a place, is prompting such persons to commit detestable crimes. Is it honest to incite our most inveterate enemy to be guilty of a crime? It is a different thing merely to accept the offers of a traitor. . . But when we know ourselves able to succeed without the assistance of traitors, it is noble to reject their offers with detestation. The Romans, in their heroic ages, in those times when they used to give such illustrious examples of magnanimity and virtue, ever expressed their abhorrence of any advantage offered them by treacherous subjects of the enemy."1

¹ Vattel, Book iii. 559.

In this attempt to exhibit briefly the facts and reasoning that justify the condemnation of André, I have refrained from noticing the more attractive incidents of his history, not pertinent to my design. I will now add but a word or two, in conclusion, upon his personal character, to which his sad fate has attached a romantic interest. Few men have possessed in a higher degree the power of captivating the feelings of those around them. Young, with no family influence, and but lately entered from commercial business into military life, he had so ingratiated himself with his commander, that Clinton actually extorted from the British ministry the promotion which he desired for his favourite. The sense of obligation was deeply felt and warmly expressed by André; and it no doubt stimulated his efforts to secure, at every personal hazard, the triumph that would have established the fortunes of his friend. Of Swiss parentage, and educated upon the continent of Europe, André possessed all the lighter accomplishments which, with his natural vivacity and graceful bearing, rendered him the delight of every society in which he moved. The protraction of individual lives so connects the past generation with the present, that I have, myself, heard one who knew him descant upon the charms of his conversation and the elegance of his manners, as exhibited in the social circles of this city.

I conceive him to have been in temperament sanguine and mercurial—easily elated, easily depressed—and, though emulous of distinction, governed rather by impulse than reflection; with some proneness—from circumstances and education rather than from nature—to arts of insinua-

tion and intrigue, which brought him, through their slippery pathways, to a bitter expiation. In his brief captivity, he turned enemies into friends. The narrative of

¹ Dr. Thatcher makes this entry in his Journal on the day of the execution: "Oct. 2. Major André is no more among the living. I have just witnessed his exit. It was a tragical scene of the deepest interest. . . . The principal guard-officer, who was constantly in the room with the prisoner, relates that when the hour of his execution was announced to him in the morning, he received it without emotion, and while all present were affected with silent gloom, he retained a firm countenance, with calmness and composure of mind. Observing his servant enter the room in tears, he exclaimed: 'Leave me till you can show yourself more manly.' His breakfast being sent to him from the table of Gen. Washington, which had been done every day of his confinement, he partook of it as usual, and having shaved and dressed himself, he placed his hat on the table, and cheerfully said to the guardofficers: 'I am ready at any moment, gentlemen, to wait on you.' The fatal hour having arrived, a large detachment of troops was paraded, and an immense concourse of people assembled; almost all our general and field officers, except his Excellency and his staff, were present on horseback; melancholy and gloom pervaded all ranks, and the scene was affectingly awful. I was so near during the solemn march to the fatal spot, as to observe every movement, and participate in every emotion which the melancholy scene was calculated to produce. Major André walked from the stone house in which he had been confined, between two of our subaltern officers, arm-in-arm; the eyes of the immense multitude were fixed on him, who rising superior to the fears of death, appeared as if conscious of the dignified deportment which he displayed. He betrayed no want of fortitude, but retained a complacent smile on his countenance, and politely bowed to several gentlemen whom he knew, which was respectfully returned. It was his earnest desire to be shot, as being the mode of death most conformable to the feelings of a military man, and he had indulged the hope that his request would be granted. At the moment, therefore, when, suddenly, he came in view of the gallows, he involuntarily started backward, and made a pause. 'Why this emotion, Sir?' said an officer by his side. Instantly recovering his composure he said: 'I am reconciled to my death, but I detest the mode.' While waiting and standing near the gallows, I observed some degree of trepidation: placing his foot on a stone, and rolling it over, and choking in his throat, as if attempting to swallow. So soon, however, as he perceived things were in readiness, he stepped quickly into the wagon, and at this moment he appeared to shrink, but instantly

Hamilton perpetuates, in all their original freshness, the feelings of the hour, as they overflowed in the generous bosoms of the young American soldiers, whose ministrations of respect and love lightened to the ill-fated

elevating his head with firmness he said: 'It will be but a momentary pang;' and taking from his pocket two white handkerchiefs, the provost-marshal with one loosely pinioned his arms, and with the other the victim, after taking off his hat and stock, bandaged his own eyes with perfect firmness, which melted the hearts, and moistened the cheeks not only of his servant, but of the throng of spectators. The rope being appended to the gallows, he slipped the noose over his head, and adjusted it to his neck, without the assistance of the awkward executioner. Colonel Scammell now informed him that he had an opportunity to speak if he desired it; he raised the handkerchief from his eyes and said: 'I pray you to bear me witness that I meet my fate like a brave man.' The wagon being now removed from under him, he was suspended and instantly expired; it proved indeed, 'but a momentary pang.'" (Military Journal during the Revolutionary War, by James Thatcher, M. D., Surgeon in the American Army, 274.)

Major Benjamin Russell writes: "It happened to be my tour, as a soldier of the Massachusetts line, to be on duty on the occasion, and to be posted in a situation where I could distinctly observe every part of the deportment of the gallant sufferer, and hear every word he uttered. was dressed in the rich uniform of a British staff officer, with the exception of course of sash, gorget, sword and spurs. The lofty gibbet was surrounded by an exterior guard of nearly five hundred infantry, with an inner guard of a captain's command. None were admitted within the square, but the officers on duty, and the assistants of the provost-marshal. The spectators outside the square were very numerous. Proceeding to the place of execution under the above guard, André was accompanied by two of the officers of the inner guard, which he had at first, as I learned, thought had been detailed as his executioners. He had previously requested of Gen. Washington the favour of dying the death of a soldier. This mode of death the high sense of duty of the Commander-in-chief could not grant, and his delicacy forbade him to announce his determination in an answer. The officers of the American Army performing duty on horseback, with Gen. Greene at their head, were formed in line, on the road. To those whom Major André knew, particularly those who made part of the Board of General Officers who pronounced on his fate, he paid the salute of the hat, and received the adieus of all, with ease and complaAndré the shame of an ignominious death. In the last disastrous days of his career, his mind was elevated by misfortune; and his final hour displayed — what seldom graces a public exit from the scene of life — an unaffected courage, alike removed from weakness or bravado.

cency. The Commander-in-chief and staff were not present at the execution; and this mark of decorum, I was told, was feelingly appreciated by the sufferer. When the procession moved on the main road the gallows were not visible, but when it wheeled at an angle, the place of execution was seen directly in front. On viewing it the sufferer made a halt, and exhibited emotion. To an inquiry made by the captain of the guard Major André gave the answer: 'I am reconciled to my death, but I detest the mode of it.' The captain rejoined: 'It is unavoidable, Sir.' Arrived at the scaffold, André, after a short conversation with his servant (who arrested much attention by the vehemence of his grief and loud lamentation) ascended with gaiety the baggage-wagon. The general order of execution was then read by, I believe, Colonel Scammell. The reading was very impressive, and at the conclusion Major André uncovered, bowed to the General and other officers, and said with dignity and firmness: 'All I request of you, gentlemen, is that you will bear witness to the world that I die like a brave man.' He added nothing more aloud, but while the preparations for immediate execution were being made, he said, in an under-tone: 'It will be but a momentary pang.' Thus died Major John André, Adjutant-General to the British Army. The sympathy of the American officers was universally expressed, and the Father of our Country, in announcing his death to Congress, pronounced that he met his fate like a brave man." (New England Magazine, vi. 363.)

Major Tallmadge writes, in a letter to a friend: "Poor André, who has been under my charge almost ever since he was taken, has yesterday had his trial, and though his sentence is not known, a disgraceful death is no doubt allotted to him. By heavens! Colonel Webb, I never saw a man whose fate I foresaw whom I so sincerely pitied! He is a young fellow of the greatest accomplishments, and was the prime minister of Sir Harry on all occasions. He has unbosomed his heart to me so fully, and indeed let me know almost every motive of his actions since he came out on his late mission, and he has endeared me to him exceedingly. Unfortunate man! He will undoubtedly suffer death to-morrow, and though he knows his fate, seems to be as cheerful as though he were going to an assembly. I am sure he will go to the gallows less fearful for his fate, and with less

Yet time will but confirm the judgment that the men of the Revolution passed upon André. They condemned him, yet they pitied him—so we may do—without yield-

concern than I shall behold the tragedy. Had he been tried by a court of ladics, he is so genteel, handsome, polite a young gentleman, that I am confident they would have acquitted him. But enough of André, who

though he dies lamented, falls justly."

The same officer, in other communications upon the subject, says: "From the moment that André made the disclosure of his name and true character, in his letter to the Commander-in-chief, which he handed to me as soon as he had written it, down to the moment of his execution, I was almost constantly with him. I walked with him to the place of execution, and parted with him under the gallows, overwhelmed with grief that so gallant an officer and so accomplished a gentleman should come to such an ignominious end. The ease and affability of his manners, polished by the refinement of good society, and a finished education, made him a most delightful companion. It often drew tears from my eyes to find him so agreeable in conversation on different subjects, when I reflected on his future fate, and that, too, as I believed, so near at hand."

"When he came within sight of the gibbet, he appeared to be startled, and inquired with some emotion, whether he was not to be shot. Being informed that the mode first appointed for his death could not consistently be altered, he exclaimed: 'How hard is my fate!' but immediately added: 'It will soon be over.' I then shook hands with him under the gallows, and retired." (Sparks's Arnold, 255; Irving's Washington, iv. 149, 157.)

Hamilton says: "When his sentence was announced to him he remarked, that since it was his lot to die, there was still a choice in the mode, which would make a material difference to his feelings; and he would be happy if possible to be indulged with a professional death. He made a second application by letter, in concise but persuasive terms. It was thought this indulgence, being incompatible with the customs of war, could not be granted; and it was therefore determined, in both cases, to evade an answer, to spare him the sensations which a certain knowledge of the intended mode would inflict. In going to the place of execution, he bowed familiarly as he went along, to all those with whom he had been acquainted in his confinement. A smile of complacency expressed the serene fortitude Arrived at the fatal spot, he asked with some emotion: of his mind. 'Must I then die in this manner?' He was told that it had been unavoidable. 'I am reconciled to my fate,' said he, 'but not to the mode.' Soon, however, recollecting himself, he added: 'It will be but a momenting to the morbid sensibility that can find a saint and martyr in "the amiable spy," and would sacrifice the fame of great and just men to his memory.

"The warmest panegyrists of Washington," says Lord Mahon, "sometimes imply that his character was wholly faultless;" they err then,—for to be faultless is to be more than human: yet in no other of the world's heroes is it so

ary pang;' and springing upon the cart, performed the last offices to himself with a composure that excited the admiration and melted the hearts of the beholders. Upon being told the final moment was at hand, and asked if he had anything to say, he answered: 'Nothing, but to request that you will witness to the world that I die like a brave man.' Among the extraordinary circumstances that attended him, in the midst of his enemies, he died universally regretted and universally esteemed. There was something singularly interesting in the character and fortunes of André. . . . His sentiments were elevated and inspired esteem — they had a softness that conciliated affection. His elecution was handsome; his address easy, polite, and insinuating. By his merit he had acquired the unlimited confidence of his General, and was making a rapid progress in military rank and reputation. But in the height of his career, flushed with new hopes from the execution of a project the most beneficial to his party that could be devised, he was at once precipitated from the summit of prosperity, and saw all the expectations of his ambition blasted, and himself ruined. I speak not of André's conduct in this affair as a philosopher, but as a man of the world. The authorized maxims and practices of war are the satires of human nature. They countenance almost every species of seduction as well as violence; and the General who can make most traitors in the Army of his adversary is frequently most applauded. On this scale we acquit André, while we would not but condemn him if we were to examine his conduct by the sober rules of philosophy and moral rectitude. It is, however, a blemish on his fame, that he once intended to prostitute a flag -about this a man of nice honour ought to have had a scruple; but the temptation was great. Let his misfortunes cast a veil over his errors." (Life of Hamilton, by J. C. Hamilton, 271.)

"With the zeal of a religious enthusiast to his murdered saint, the author of this mournful eulogium consecrates it to the memory of Major André, who fell a martyr in the cause of his King and country." (Dedication to Sir Henry Clinton of a Monody on Major André, by Anna Seward.)

difficult to trace the common infirmities of nature. That, in the transaction here discussed, the "faulty point" of his character has been laid bare, through the acumen of the English historian, few will agree with him in thinking. For never was more manifest, than in the disposal of the case of André, the constant, calm, and high devotion to duty, that made the life of Washington an example of as near approach to complete moral greatness as has yet exalted the dignity of man.

For the continuance of this sentiment with regard to André, much is due to the eloquence and pathos of Hamilton's tribute to his memory. It was published immediately after the event, and sounded the key-note of feeling, the echoes of which still linger in the American heart. It appeared in the Pennsylvania Packet of Oct. 14, and in the Pennsylvania Journal of Oct. 18, 1780; and was no doubt copied into other publications. It is said that it was also published at the time in England; but this, though probable, my limited inquiry has not enabled me to verify. In the journals mentioned it is given as a "letter from a gentleman in camp to his friend at Philadelphia." In the Life of Hamilton by J. C. Hamilton (i. 263: N. Y. 1834), it appears as a letter from Hamilton to Laurens.

It was an enthusiastic expression of the general sympathy. The statements in it upon matters not within the personal knowledge of the writer, are evidently founded upon direct communications from André. The contemporary publication of such a narrative of the case of André, from the pen of an American officer, the aid-de-camp of the Commander-in-chief, is in itself a significant fact, well worthy of notice. It is possible that the narrative of Colonel Hamilton may never have been seen by Lord Mahon—or, at least, more probable, than that with his familiarity with the canons of historical evidence, he should have ventured to disregard it. His account displays no knowledge of it, by direct citation or the transfusion of any of its spirit, and, with no reference to its authority, varies from it in essential particulars, already indicated. His quotation of a letter from Hamilton to

¹ If it were asked what was the peculiar, unique feature of the case of André, few would fail to answer that it was the extraordinary interest which he inspired in those whose cause and country had barely escaped destruction from his schemes, and the reluctance with which —as Washington himself testifies —they "yielded to the necessity of rigour."

Miss Schuyler, about Mrs. Arnold, is plainly taken from Sparks's Life of Arnold—a work to which Lord Mahon gives a general credit for materials. Other narratives of the event from American eye-witnesses exist, less eloquent than Hamilton's, but in the same spirit, and of scarcely less authority. To none of these is there, in Lord Mahon's history, an allusion to be found, unless it is couched in this one sentence: "Even under such depressing circumstances, it is owned by American writers that he maintained, throughout, a manly, dignified, and respectful deportment"—(Mahon, vii. 66); but the word "owned," in this connection (I hope the remark is not hypercritical), suggests reluctance, and surely will not be deemed applicable to the glowing, spontaneous tributes that so well answered the last appeal of André: "I pray you to bear me witness that I meet my fate like a brave man."

To have won the esteem of the enemy, more than the historian's eulogy or the king's monument in the Abbey, retrieves the name of André from the infamy of the character in which he suffered. Lord Mahon does a singular injustice not only to the Americans but to the memory which he undertakes to vindicate, when he avoids, in his narrative of the case, the remotest allusion to this its prominent and characteristic feature; and obliterates every trace of it from his details, even where they descend to minute particulars of the "lonesome and weary hours" of André's captivity. This suppression is the more to be regretted, as it withholds from the British public—less familiar than our own with the event—the means of judging of the truth of that colouring by which an air of harshness is given to the whole treatment of the captive, through the historian's iterated charges of resentment, want of generosity, etc., which at last culminate in the "blot" upon the fame of Washington.

And not only does this suppression give an undue countenance to the general denial of American generosity and humanity (ante, 374, 375, 377), but it greatly enhances the effect of those particular oversights and omissions through which the conduct of Washington is made to excite "surprise," "astonishment," which a word of obvious explanation dissipates (ante, 385); through which his careful deliberation upon the case of André is treated as no consideration at all (ante, 336, 337), and his "reluctance"—attested under his own hand, and by all his biographers, especially by Chief-Justice Marshall, his old companion-in-arms, and by many other high authorities—is made to rest merely upon the support of trivial gossip, unfitly rescued from oblivion (ante, 369, 374, note); through which harshness can be plausibly ascribed to Washington, even in a special instance of considerate kindness (ante, 380); through which he is represented as "far from relenting," when, with characteristic humanity, he was (till

reason and duty silenced compassion) only too near relenting, even to the granting of the request of the prisoner; by which an ideal alleviation to him would have been afforded, at the disproportionate cost of impairing the authority of a solemn act of justice, and furnishing to the enemy a specious pretext to impugn it (ante, 381).

These omissions and oversights, and other errors of less importance incidentally noticed (ante, 324, 326, 349, 351, 354, 356, 357, 381, 387), the untenable positions assumed upon the points of law (ante, 358, 361, 365, 368), the injustice to Washington and the indulgence to Arnold (ante, 319, 320, 380, 381, 385, 401), with the unacquaintance displayed with the characters of the men of the Revolution (ante, 340, 345, 348, 350), show that the American department of Lord Mahon's History is deficient in the accuracy which he has, no doubt, attained, through greater impartiality and better opportunities for research, in the European departments of his work.

It has been my earnest desire that what is controverted in this paper should be presented fairly, by citations full enough to express, in his own words, the opinion of the historian upon every point discussed. But a more effectual and surer way, when practicable, is to publish with the criticism the whole of the statement criticized. This, through a liberally-granted permission to trespass still further upon the space in the volume of the Historical Society, it is now in my power to do. The following extract contains the whole of Lord Mahon's view of the case of André.

EXTRACT FROM THE HISTORY OF ENGLAND BY LORD MAHON, Vol. VII.—London, 1854.

AT this time the important fortress of West Point, the key of the upper province of New York, was held by General Benedict Arnold. No officer on the American side had more highly distinguished himself, in the earlier stages of the war. It was he who led the daring expedition through the wilderness upon Quebec. It was he who bore the brunt of those hardfought actions which resulted in the surrender of a British force at Saratoga. His wounds in that campaign disabled him, for a time, from active service; but when Philadelphia was relinquished by Sir Henry Clinton, Arnold was appointed to the command in that city. There he married a young and beautiful lady, one of the heroines of the recent MISCHIANZA, and as that very circumstance implies, of a family well affected to the Royal As the military chief of a great town, Arnold displayed arrogance in his demeanour and ostentation in his style of living. By the former he gave offence to the Philadelphians, by the latter he involved himself in difficulties. Complaints — the more readily, no doubt, on account of his haughty manners - were brought against him on divers petty points, as that he had used some public waggons, even though he paid for them, to remove some private property. He was brought before a Court-Martial, which subjected him to long and vexatious delays, acquitting him at last of the principal charges, but finding him Guilty of the rest; and their sentence being upon the whole that he should receive a public reprimand from the Commander-in-Chief.

Conscious as was Arnold of the eminent services which he had rendered, and even in his pride overrating them, he chafed at such requital. At the same time, and in the midst of his pecuniary distresses, the claims which he had preferred to his Government for money spent in Canada, were in part disallowed. With these personal causes of resentment there mingled perhaps some others of a public kind. He had always disapproved an alliance with France, and viewed its progress with great aversion and jealousy. The strength of these various feelings and motives in his mind may be estimated from the extreme resolution to which they now gave rise. Arnold determined to change sides and to join the Royalists, betraying to them at the same time any secrets, or any post, with which he might be entrusted.

With these views, which, perhaps even in his own mind, were only unfolded by degrees, Arnold had already begun a secret correspondence with Sir Henry Clinton, through Sir Henry's Aide-de-camp, and afterwards Adjutant-General, Major John André. He signed his letters merely "Gustavus," disguising his hand-writing, and giving no other clue to his real name; but from time to time he sent intelligence which proved to be authentic and important. Thus the attention of Sir Henry was effectually roused, and he desired his Aide-de-camp to keep up the correspondence with care, André signing his own letters as "John Anderson." Still "Gustavus" did not reveal himself; but on combining and weighing a great variety of slight circumstances, Clintón became convinced that his secret correspondent could be no other than General Arnold; and on this persuasion the exchange of letters was continued.

Even before the close of his long-protracted trial, Arnold had found it necessary to relinquish his command in Philadelphia. But Washington, who never suspected his fidelity, and who knew his talents, was anxious to employ him in the next campaign. Arnold represented himself as still suffering from his wounds, and scarcely equal to active service in the field; but he sought, and obtained, the charge of West Point, and of all the other posts in the Highlands. He arrived at his new station at the beginning of August, 1780, and had already transmitted to Sir Henry Clinton a direct proposal to surrender himself, "in such a manner as to contribute every possible advantage to His Majesty's arms." The vast importance of this overture could not fail to be discerned by the British chief. To gain possession of West Point and its dependent posts, with their garrisons and military stores, and with the command of the Hudson's river which they implied, and by the same blow to strike distrust and terror into the very heart of the American ranks, was an object certainly, at that time, second to no other towards the successful prosecution of the war.

Sir Henry Clinton, therefore, eagerly applied himself to conclude the negotiation with Arnold, assuring him of all the rank and emoluments which he could expect in the British service. A favourable time for the final arrangement seemed to be afforded by the departure of Washington from his army to meet Count Rochambeau at Hartford. First, however, it was necessary that a meeting should be held with Arnold to settle the whole plan. The American General insisted that the officer sent out to confer with him, should be no other than Major André, through whose hands the whole previous correspondence had passed. To this Sir Henry agreed, without any idea of danger to his gallant young friend. For he strictly enjoined him, before his departure, not to enter the American lines; not to assume any disguise of dress; and not to be the bearer of any

written communications by which the nature of his business could be traced.

Major John André was, at this time, not yet thirty years of age. His parents, though residing in England, were natives of Geneva, to which town, also, they sent their son for education. Being designed for a merchant, he was next transferred to a counting-house, in London. There, after some years, becoming acquainted with a beautiful young lady, Miss Honora Snevd, he indulged a romantic and not unrequited passion, which, however, her family successfully opposed. The young lady sighed a while; but her tuneful friend, Miss Seward, saw, as she describes it, these sighs "disperse like April storms." She became the second wife of Mr. Edgeworth, the father, by his first wife, of Maria Edgeworth, the justly celebrated writer of so many admirable tales. André, on the other hand, to seek relief from his sorrows, joined the British army in Canada, with a Lieutenant's commission, at the outbreak of the war. He shared in the capitulation of St. John's to the insurgent General Montgomery, during the autumn of 1775. Soon afterwards he wrote as follows, to a friend: "I have been taken prisoner by the Americans, and stripped of everything, except the picture of Honora, which I concealed in my mouth. Preserving that, I yet think myself fortunate." The miniature which he mentions, had been painted by himself. His person was handsome, his manners were engaging; and with his skill as a draughtsman, which was considerable, he combined a taste for poetry, and a knowledge of several branches of literature. Nor had he neglected the studies of his own profession; on the contrary, he gave promise in it of considerable future eminence. Being exchanged with other prisoners, after some months' captivity, he was selected, without any other recommendation than his merit, as Aide-decamp, first by General Grey, and next by Sir Henry Clinton. So high was the esteem entertained for his abilities, that in the winter of 1779, Sir Henry used most strenuous and, at last, successful exertions, to obtain for him, from the Ministry in England, the rank of Major, together with the post of Adjutant-General.

This accomplished young officer, so well worthy a happier fate, was on board the Vulture sloop of war, which Sir Henry had sent up the Hudson; and went on shore by night in a boat despatched for him by Arnold. He met the American General on the western bank, and on neutral ground; but their conference not being entirely concluded as the dawn was approaching, André was prevailed upon to accompany Arnold to a house within the enemy's lines. There they agreed on the precise means by which the works at West Point were to be made over to an English expedition ascending the Hudson for that purpose. Having terminated this arrangement, the

next great object for André was to return on board the Vulture sloop. But the boatmen demurred, and refused to convey him, so that it became necessary to adopt some other plan. He was prevailed upon to lay aside his uniform; to accept a pass from Arnold, under the name of John Anderson; and first crossing the river at the King's Ferry, thence to make his way on horseback, with a guide. He was also induced to take charge of divers papers in the hand-writing, though without the signature, of Arnold, explaining the state of the works at West Point, and indicating the scheme for its surrender; an imprudence the more signal since, as Sir Henry Clinton declares in his Memoirs, both Arnold and André must have known that these papers were not wanted for his information.

Without any mischance, André succeeded in passing the American lines, and was again on neutral ground, when on approaching the village of Tarrytown, three Militiamen, who were playing at cards near the road-side, sprung upon and seized his horse. In the first moments of surprise, André avowed himself to be a British officer; upon which, disregarding his pass, and proceeding to search his person, they found the secret papers concealed within his boots. They rejected the offer of his watch and money, and of a larger present from New York if they would let him go, and they took him with his papers before Lieutenant-Colonel Jameson, who commanded their nearest military post. The Colonel, as Washington said afterwards, appears to have shown "egregious folly." He formed no suspicion of Arnold, although he read the papers, and although, as is alleged, he knew the hand-writing. He decided upon detaining André as a prisoner, and forwarding the papers to Washington; but at the same time wrote to Arnold a full account of the whole transaction. Thus Arnold would become apprised that his treachery was on the eve of detection; since the papers were on their way to Washington, and since Washington, at all events, was well acquainted with the hand. (Here follow the particulars of Arnold's flight, etc.)

It was for Major André that their whole resentment was reserved. Soon after his arrest, that young officer had written to Washington, frankly avowing his name and rank. By Washington's orders he was conveyed, in the first instance, to West Point, and next to the head-quarters of the army at Tappan, where his case was forthwith referred to a Court of Inquiry. That Court consisted of fourteen officers, all Americans, except Baron Steuben and the Marquis de La Fayette; their President was General Greene. Having assembled, the prisoner was brought before them and examined; but was not allowed the presence of any advocate, any witness, or any friend. Even under such depressing circumstances, it is owned by American writers, that he maintained throughout a manly, dignified, and

respectful deportment, replied to every question promptly, showed no embarrassment, and sought no disguise. His main anxiety appeared to be to avoid endangering the safety, by disclosing the name, or relating the conduct, of any other person but himself.

Of procrastination, at least, that Court of Inquiry eannot be accused. At the close of their first and only meeting, they reported it as their opinion that Major André ought to be considered as a spy, and, according to the law and usage of nations, to suffer death. On the Commander-in-Chief it now depended to confirm or to annul, to execute or to remit, their judgment. André himself received the news, with unshaken firmness. At his request, he was permitted to write and send a letter to Sir Henry Clinton. That letter has been published. It expresses, in most affectionate and affecting terms, his gratitude for his General's many acts of kindness. And of himself it adds: "I am perfectly tranquil in mind, and prepared for any fate to which an honest zeal for my King's service may have devoted me."

Already, even some days before, Sir Henry, full of solicitude and concern for his young friend, had made an earnest appeal to General Washington for his release. He rested his demand on two grounds: first, that André had gone ashore from the Vulture with a flag of truce sent for him by Arnold; and secondly, that at the time of his arrest, he was under the protection of a pass, which Arnold, while commanding at West Point, had undoubted authority to give. To his letter Clinton added a note from Arnold himself, in corroboration of his statements. Sir Henry received, however, an unfavourable reply from Washington, and at the same time was apprised of the decision to which the Board of Officers had come. He determined to send immediately to the American head-quarters a deputation, which might state the true facts of the case and urge his arguments anew. For this service he selected an officer of the highest rank, General Robertson, together with the Lieutenant-Governor and the Chief-Justice of New York. They were the bearers, also, of a letter from Arnold to Washington, in which Arnold repeated his explanations, and threatened measures of requital if the sentence against André should be executed; a letter which, as might have been foreseen, produced no good effect, but rather, it may be feared, the reverse.2

On the 1st of October, the three Commissioners sailed up the Hudson, in an English sloop, and with a flag of truce. Of the three, however, Washington allowed only General Robertson to land. Nor was he willing,

¹ Life by Jared Sparks, Esq. p. 261.

² This letter, and most of the others bearing on the case of André, will be found in the Appendix to vol. vii. of Washington's Writings, pp. 520-544.

as was wished, to confer with that officer in person; he appointed to meet him the President of the late Court of Inquiry. The English chief, accordingly, was received on shore by General Greene, and began by stating, at full length, the two points on which Sir Henry Clinton had laid stress. In reply to the first, it was observed by General Greene, that André himself, on his trial, had avowed that, in landing from the Vulture, he did not consider himself under the sanction of a flag of truce. When General Robertson alleged the testimony of Arnold, as to his having sent one out, General Greene answered drily, that the Americans would believe André in preserence to Arnold. How far it might be either just or humane (for of generosity in this case we need, of course, say nothing), to turn against André an avowal made, with not a friend or counsel beside him, and in the presence of only his bitterest foes, was not any further in that conference discussed. General Robertson offered to exchange for the intended victim, any prisoner whom the Americans might choose. He urged that, in more than one instance, confessed and undoubted spies, the secret correspondents of Washington from the English quarters, had had their lives spared, from Sir Henry's merciful regard to the intercessions in their behalf of the American Commander. He observed that several such spies were still in Sir Henry's power. Finding his arguments, his offers, his entreaties, all alike unheeded, General Robertson said, lastly, that no military tribunal in Europe would decide the case of André to be that of a spy; and he proposed to refer the question to the judgment of General Knyphausen and the Comte de Rochambeau. Greene and Robertson then parted, the former promising only to repeat to his Chief all the representations of the latter. Early next morning, the 2d of October, Robertson received a note from Greene, stating, in few words, that his arguments, as reported, had made no change in General Washington's opinion and determination. Another appeal, which Robertson, to leave no possible means untried, addressed in a letter direct to Washington, proved equally barren of effect.

There was one condition, it seems, and one condition only, on which Washington would have readily agreed to André's release—that the English should give up Arnold in his place. It is astonishing (but, indeed, what part of Washington's conduct in this transaction may not excite surprise?) how such a thought should have entered such a mind; how Washington could have expected an honourable enemy to take a step so dishonourable, and so subversive of every military principle. Captain Aaron Ogden, who conveyed the letters from André and from Washington to the British posts as far as Paulus Hook, was directed to let fall this idea among the British officers; it was accordingly made known to Sir Henry

Clinton, but by him was, of course and at once, rejected. The same suggestion was brought forward more directly by General Greene, in the conference with General Robertson. In his despatch to Sir Henry, Robertson declares that he replied to it only by a look of indignant rebuke.

Meanwhile, André in his captivity continued serene and self-possessed. He beguiled one of his lonesome and weary hours by making, with his pen, a sketch of himself as he sat at his prison-table.1 To death he was resigned; but he solicited the privilege of dying by the musket like a soldier, and not by the cord like a felon. On the 1st of October, he addressed to Washington a touching letter with this sad request. Washington, however, so far from relenting, vouchsafed him no reply; and the prisoner was left, to the last, uncertain of his doom. His execution had been fixed for noon on the next day. He was dressed in his uniform as a British officer, and walked forward with the firmness which becomes that character. It was only when he came in sight of the gallows that, by an involuntary impulse, he shrunk back. "Must I then die in this manner?" he said; but, speedily recovering himself, he added: "It will be but a momentary pang." He ascended the cart with a firm step, and bandaged his own eyes with a steady hand. At the last, when an American officer drew nigh and told him that he had an opportunity to speak if he desired it, he raised the handkerchief from his eyes, and said: "I pray you to bear me witness that I meet my fate like a brave man." These were his last words; the signal was made, the noose fell, his limbs were convulsed for a moment, and then still forever. Thus did the Adjutant-General of the British army in America die the death of the vilest malefactors; a death, however, which, in his circumstances, and with his character, brought no disgrace - no disgrace, at least, to him.

A monument to the memory of André—who fell a sacrifice to his zeal for his king and country—was, by command of George the Third, raised in Westminster Abbey. His remains were buried close to the place of execution. But, in 1821, they were disinterred and removed to England by Mr. Buchanan, the British Consul at New York.² It was not fit, indeed, that they should rest in American ground.

From the historical narrative let us now pass to the critical examination of his fate. First, then, had Washington any good ground for relying on the judgment of the Court of Inquiry? Of whom did that Court consist?

¹ This sketch was presented by André to the officer on guard, and is now preserved in the Trumbull Gallery at Yale College. A fac-simile is given by Mr. Sparks, in his Life of Arnold.

² See an account of this disinterment, in the Ann. Register, 1821, part ii. p. 133. A small peach-tree was found growing on the grave.

As we have already seen, of twelve American, and of two European fieldofficers. Now, it must be borne in mind that the American Generals, at that time, were, for the most part, wholly destitute of the advantage of a liberal education. They were men drawn from the plough-handle, or from the shop-board, at their country's call. Greene himself, the President of the tribunal, had been a blacksmith by trade. These humble avocations afford no reason why such men might not always do their duty as became them in the field; why they should not sometimes acquire and display military skill; why, at the present day, their names should not be held in high honour by their countrymen. But they do afford a reason, and, as it seems to me, a strong one, why such men, having no light of study to guide them, having never probably so much as heard the names of Vattel or Puffendorf, could be no fit judges on any nice or doubtful point of national law. And by whom had they been assisted? By La Fayette, who, though for some years a transatlantic General, was still only a youth of twentythree, and who, as he tells us, had learnt little or nothing at his college. By Steuben, who had undoubtedly great knowledge and experience, but who, speaking no English, while his colleagues spoke no French, was unable to discuss any controverted question with them.1

It follows, then, that the verdict of such a tribunal ought to have no weight in such a case; and that Washington, far from relying upon it, was bound either to refer the question to such men as Knyphausen and Ro

¹ On this mutual ignorance of each other's language, see the note at vol. vi. page 155. Extract from vol. vi. page 155: "Lafayette had already begun to speak a little English, and by degrees acquired more. But to the last the difficulties of the language were a main obstacle, not only to himself, but to every other foreigner who served with or under the United States. Thus there are still preserved some of the ill-spelled and scarce intelligible notes of Count Pulaski, during the short time that he served as General of Cavalry. (See one of these notes in Reed's Life and Correspondence, vol. i. 318.) Still worse was the case of Baron Steuben, a veteran of the school of Frederick the Second, who joined the Americans a few months later than Lafayette, and who greatly aided them in the establishment of discipline. The Baron, it appears, could not teach and drill, not even swear and curse, but by means of an interpreter! He was, therefore, most fortunate in securing as his aide-de-camp Captain Walker of New York -- most fortunate, if, as his American biographer assures us, 'there was not, perhaps, another officer in the army, unless Hamilton be excepted, who could speak French and English so as to be well understood in both." "*

^{*} Life of Baron Steuben by Bowen, p. 23, ed. 1838, in Sparks's Collection. Mr. Bowen adds: "As the Baron slowly acquired our language, his eagerness and warmth of temper would frequently involve him in difficulties. On such occasions, after exhausting all the execrations he could think of in German and French, he would call upon his faithful aid for assistance. 'Venez, Walker, mon ami! Sacre de gaucherie of dese badauds; je n'en puis plus! I can curse dem no more!'"

chambeau, adjoining with them perhaps Steuben; or to ponder and decide it for himself. Had he considered it with his usual calmness and clear good sense, it seems scarcely possible that, with all the circumstances so utterly unlike, he should have pronounced the case of André to be the same as that of a common spy. And waiving for the present the disputed point as to the flag of truce, it is clear, at all events, that when André was arrested, he was travelling under the protection of a pass which Arnold, as the commander of the West Point district, had a right to give. The Americans contend that this right was forfeited, or rendered of no effect, by Arnold's treacherous designs. Yet how hard to reconcile such a distinction with plighted faith and public law! How can we draw the line and say at what precise point the passes are to grow invalid — whether, when the treachery is in progress of execution, or when only matured in the mind, or when the mind is still wavering upon it? In short, how loose and slippery becomes the ground if once we forsake the settled principle of recognizing the safe-conducts granted by adequate authority, if once we stray forth in quest of secret motives and designs!

It has, indeed, been asserted that "Washington signed the order for André's death with great reluctance; but the army were dissatisfied, and demanded the sacrifice." This assertion, however, rests on no sufficient evidence; and were it most fully established, would not relieve the Commander-in-Chief from his legitimate responsibility. Nor can the inflexibility of Washington, in both awarding death to André, and denying him the last consolation and relief he sought — to die the death of a soldier be vindicated, as I conceive, by any supposed necessity, at that time, of a severe example. Had Arnold, indeed, or any American taking part with Arnold, been in question, that motive might, no doubt, have justly carried considerable weight. But what end could Washington hope to effect by even the utmost extremity of rigour against André? Let another most gallant and accomplished soldier answer for me. "Mr. Washington," says Sir Henry Clinton, in his Memoirs, "could not be insensible that the example, though ever so terrible and ignominious, would never deter a British officer from treading in the same steps, whenever the service of

It was so stated to Mr. W. Faux, on board a steamboat in the Delaware, by "two old German gentlemen, heroes of the Revolution," who, as they said, had been in camp with Major André. (April 12, 1820: Memorable Days in America, p. 402.) In their opinion the example of his death was "necessary and salutary." But the names of these two gentlemen are not given; and there is another part of their statement which I should be loth to admit, without the strongest corroborative testimony, that an American General (who is named) could insult the defence-less André on his way to execution, telling him: "You die for your cowardice, and like a coward!" This must surely be quite erroneous.

his country should require his exposing himself to the like danger in such a war."

It behoves us, no doubt, to ponder reverently, ere we attempt to cast any censure on a man so virtuous as Washington. Yet none of his warmest panegyrists can assert, though they sometimes imply, that his character was wholly faultless; and here, as it seems to me, we are upon its faulty point. He had, as his friends assure us, by nature strong and most angry passions; these he had curbed and quelled by a resolute exertion of his will, but he did not always prevent them from hardening into sternness. Of this we may observe some indications here and there in his private correspondence, as, for instance, in the case of the suicides at Boston. But such indications are confined to words, and addressed only to his familiar friends. Here, on the contrary, the fault appears in action. Here it gave rise to what, unless I greatly deceive myself, the intelligent classes of his countrymen will, ere long, join ours in condemning—the deathwarrant of Audré; certainly by far the greatest, and perhaps the only blot in his most noble career.

EXTRACT FROM SIR HENRY CLINTON'S MS. MEMOIRS.

September, 1780.

About eighteen months before the present period, Mr. Arnold, a Major-General in the American service, had found means to intimate to me that having cause to be dissatisfied with many late proceedings of the American Congress, particularly their alliance with France, he was desirous of quitting them and joining the cause of Great Britain, could he be certain of personal security and indemnification for whatever loss of property he might thereby sustain. An overture of that sort, coming from an officer of Mr. Arnold's ability and fame, could not but attract my attention; and as I thought it possible that, like another General Monk, he might have repented of the part he had taken, and wish to make atonement for the injuries he had done his country, by rendering her some signal and adequate benefit, I was of course liberal in making him such offers and promises as I judged most likely to encourage him in his present temper. A correspondence was opened between us under feigned names, in the course of which he, from time to time, transmitted to me most material intelligence; and with a view, as I supposed, of rendering us still more essential service, he obtained, in July, 1780, the command of all the enemy's forts in the Highlands, then garrisoned by about 4000 men.

In the meantime, wishing to reduce to an absolute certainty whether the person I had so long corresponded with was actually Major-General Arnold commanding at West Point, I agreed to a proposal made me, to permit

some officer in my confidence to have a personal conference with him, when everything might be more explicitly settled than it was possible to do by letter; and as he required that my Adjutant-General, Major André, who had chiefly conducted the correspondence with him under the signature of John Anderson, should meet him for this purpose on neutral ground, I was induced to consent to his doing so from my very great confidence in that officer's prudence and address. Some attempts towards a meeting had been accordingly made before Sir George Rodney's arrival; but though the plans had been well laid, they were constantly frustrated by some untoward accident or other, one of which had very nearly cost Mr. Arnold his life. These disappointments made him of course cautious; and as I now became anxious to forward the execution of my project, while I could have that naval chief's assistance, and under so good a mask as the expedition for the Chesapeak, which enabled me to make every requisite preparation without being suspected, I consented to another proposal from General Arnold for Major André to go to him by water from Dobbs's Ferry, in a boat which he would himself send for him under a flag of truce; for I could have no reason to suspect that any bad consequence could possibly result to Major André from such a mode, as I had given it in charge to him not to change his dress on any account, or possess himself of writings by which the nature of his embassy might be traced; and I understood that after his business was finished he was to be sent back in the same way.

But unhappily none of these precautions were observed. On the contrary, General Arnold, for reasons which he judged important, or perhaps (which is the most probable) losing at the moment his usual presence of mind, thought proper to drop the design of sending Major André back by water, and prevailed upon him (or rather compelled him, as would appear by that unfortunate officer's letter to me¹), to part with his uniform, and under a borrowed disguise to take a circuitous route to New York, through the posts of the enemy under the sanction of his passport. The consequence was, as might be expected, that he was stopped at Tarrytown and searched; and certain papers being found about him concealed, he was, notwithstanding his passport, carried prisoner before Mr. Washington, to whom he candidly acknowledged his name and quality. Measures were

¹ Extract of a letter from Major André to Sir H. Clinton, Tappan, Sept. 29, 1780. "I have obtained General Washington's permission to send you this letter; the object of which is to remove from your breast any suspicion that I could imagine I was bound by your Excellency's orders to expose myself to what has happened. The events of coming within the enemy's posts and of changing my dress, which led me to my present situation, were contrary to my own intentions as they were to your orders; and the circuitous route which I took to return was imposed, perhaps unavoidably, without alternative, upon me,"

of course immediately taken upon this to seize General Arnold; but that officer, being fortunate enough to receive timely notice of Major André's fate, effected his escape to a King's sloop lying off Teller's point, and came the next day to New York.

I was exceedingly shocked, as may be supposed, by this very unexpected accident, which not only totally ruined a most important project, which had all the appearance of being in a happy train of success, but involved in danger and distress a confidential friend for whom I had very deservedly the warmest esteem. Not immediately knowing, however, the full extent of the misfortune, I did not then imagine the enemy could have any motive for pushing matters to extremity, as the bare detention of so valuable an officer's person might have given him a great power and advantage over me. And I was accordingly in hopes, that an official demand from me for his immediate release, as having been under the sanction of a flag of truce when he landed within his posts, might shorten his captivity or at least stop his proceeding with rigour against him. But the cruel and unfortunate catastrophe convinced me that I was much mistaken in my opinion of both his policy and humanity. For, delivering himself up, as it should seem, to the rancour excited by the near accomplishment of a plan which might have effectually restored the King's authority, and humbled him from his present exalted situation, he burned with a desire of wreaking his vengeance on the principal actors in it; and consequently, regardless of the acknowledged worth and abilities of the amiable young man who had fallen into his hands, and in opposition to every principle of policy and call of humanity, he without remorse put him to a most ignominious death, and this at a moment when one of his Generals was by his appointment in actual conference with commissioners whom I had sent to treat with him for Major André's release.

The manner in which Major André was drawn to the enemy's shore, manifestly at the instance and under the sanction of the General Officer who had the command of the district; and his being avowedly compelled by that officer to change his dress and name, and return under his passport by land, were circumstances which, as they certainly very much lessen the imputed criminality of his offence, ought to have at least softened the severity of the Council of War's opinion respecting it, notwithstanding his imprudence in having possessed himself of the papers which they found on him, which, though they led to a discovery of the nature of the business that drew him to a conference with General Arnold, were not wanted (as they must have known) for my information. For they' were not igno-

¹ Note by the writer of the foregoing paper.—In commenting (ante, 328, note) upon this part of Sir Henry Clinton's MS. my impression of the general sense of it led me

rant that I had myself been over every part of the ground on which the forts stood, and had of course made myself perfectly acquainted with everything necessary for facilitating an attack upon them. Mr. Washington ought also to have remembered that I had never in any one instance punished the disaffected colonists within my power with death, but, on the contrary, had in several shown the most humane attention to his intercession even in favour of avowed spies. His aeting, therefore, in so cruel a manner in opposition to my earnest solicitations, could not but excite in me the greatest surprise, especially as no advantage whatever could be possibly expected to his cause from putting the object of them to death. Nor could he be insensible, had he the smallest spark of honour in his own breast, that the example, though ever so terrible and ignominious, would never deter a British officer from treading in the same steps, whenever the service of his country should require his exposing himself to the like danger in such a war. But the subject affects me too deeply to proceed, nor can my heart cease to bleed, whenever I reflect on the very unworthy fate of this most amiable and valuable young man, who was adorned with the rarest endowments of education and nature, and had he lived could not but have attained the highest honours of his profession.1

to consider the pronoun "they" as referring to the American officers. I observe, however, that Lord Mahon (ante, 407) seems to construe it as relating to André and Arnold. The point is not of importance; but as different views are taken of it, I bring it to the reader's notice. It is by the sense, not by the grammatical construction, that we are guided to the meaning with which the several "theys" are used in this passage. We are thus led to see in the phrase "the papers which they found on him," a reference either to "the Council of War" (though in the possessive case above) or to the Americans (though before designated, confusedly with Washington, in the singular number, as "the enemy"). It appears to me that Clinton continues to use "they" with the same relation, to the end of his remark about the forts; and there, with a connection in thought, he adds another matter which "Mr. Washington ought also to have remembered." But such ambiguity in the writings of a highly distinguished British officer, may render us the more indulgent to the "ill-spelled" but quite intelligible note of Count Pulaski, alluded to ante, 411, note.

1 Mr. Sparks, in his Life of Arnold (p. 288, ed. 1835), while vindicating the part taken by his countrymen in the case of Major André, urges as one main argument that Sir Henry Clinton, in the narrative which he sent to the British Government, "stated all the facts minutely, but without uttering any censure against Washington or the Board of Officers, and without intimating an opinion that the sentence was unjust." "These are proofs," continues Mr. Sparks, "and more might be adduced, that the opinions of Sir Henry Clinton on this subject were essentially the same as those of General Washington." But from the preceding passage of his Memoirs, which Mr. Sparks had no opportunity of seeing, it will plainly appear that the reserve of Clinton upon this subject in his public correspondence proceeded in no degree from any acquiescence in the justice or propriety of Washington's course. (Mahon, vii. Appendix, p. xi.)

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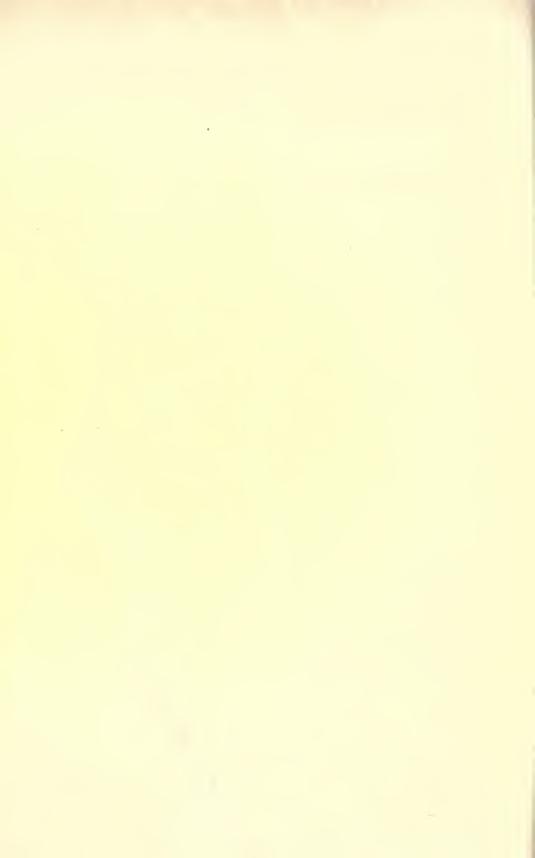
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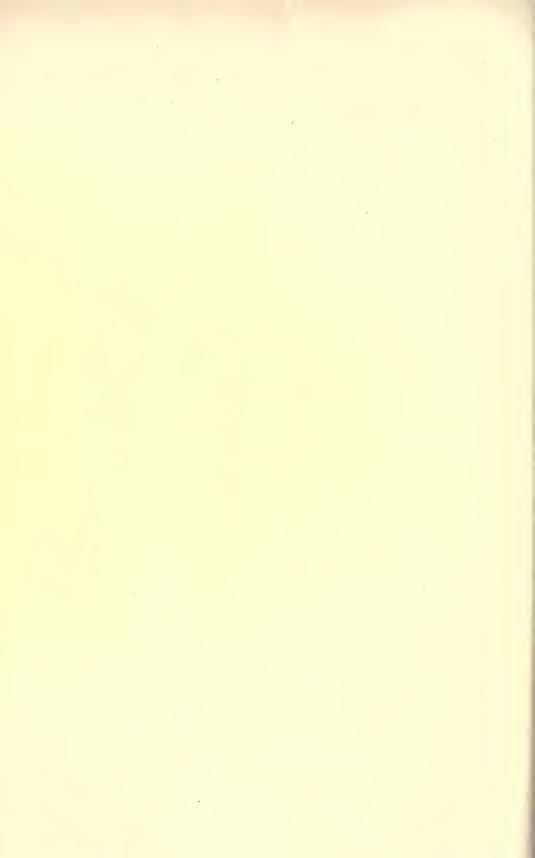
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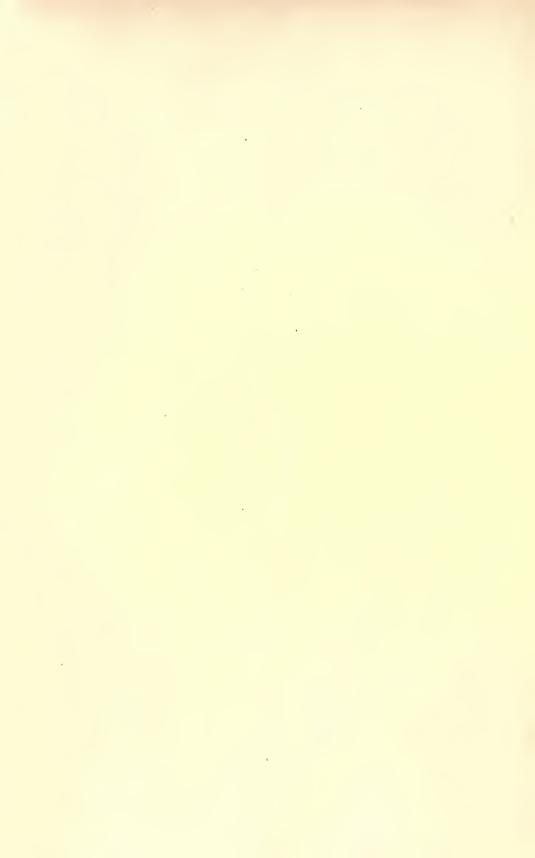
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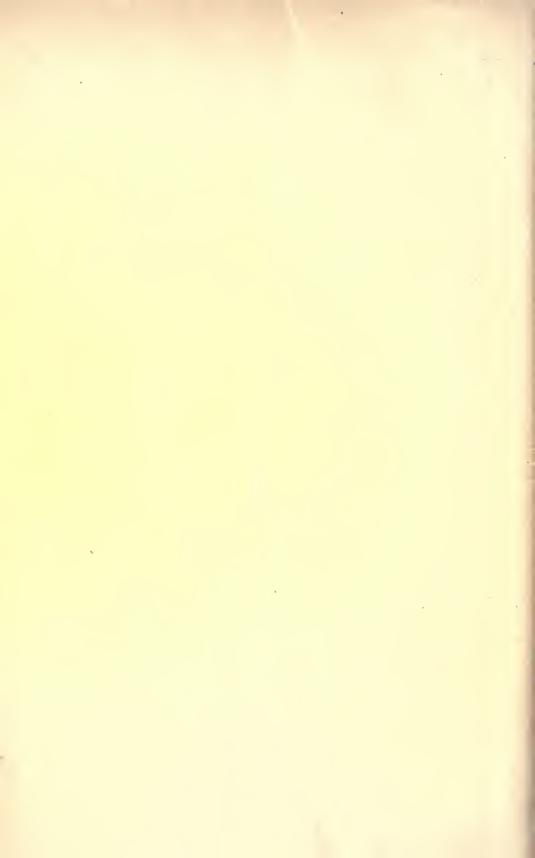
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